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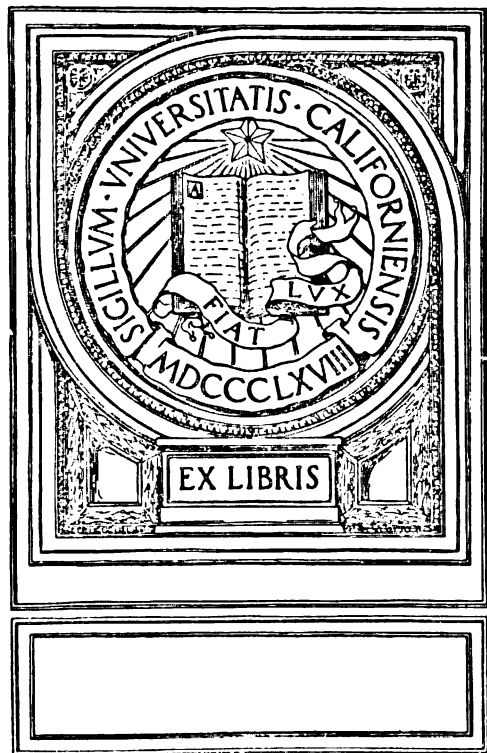
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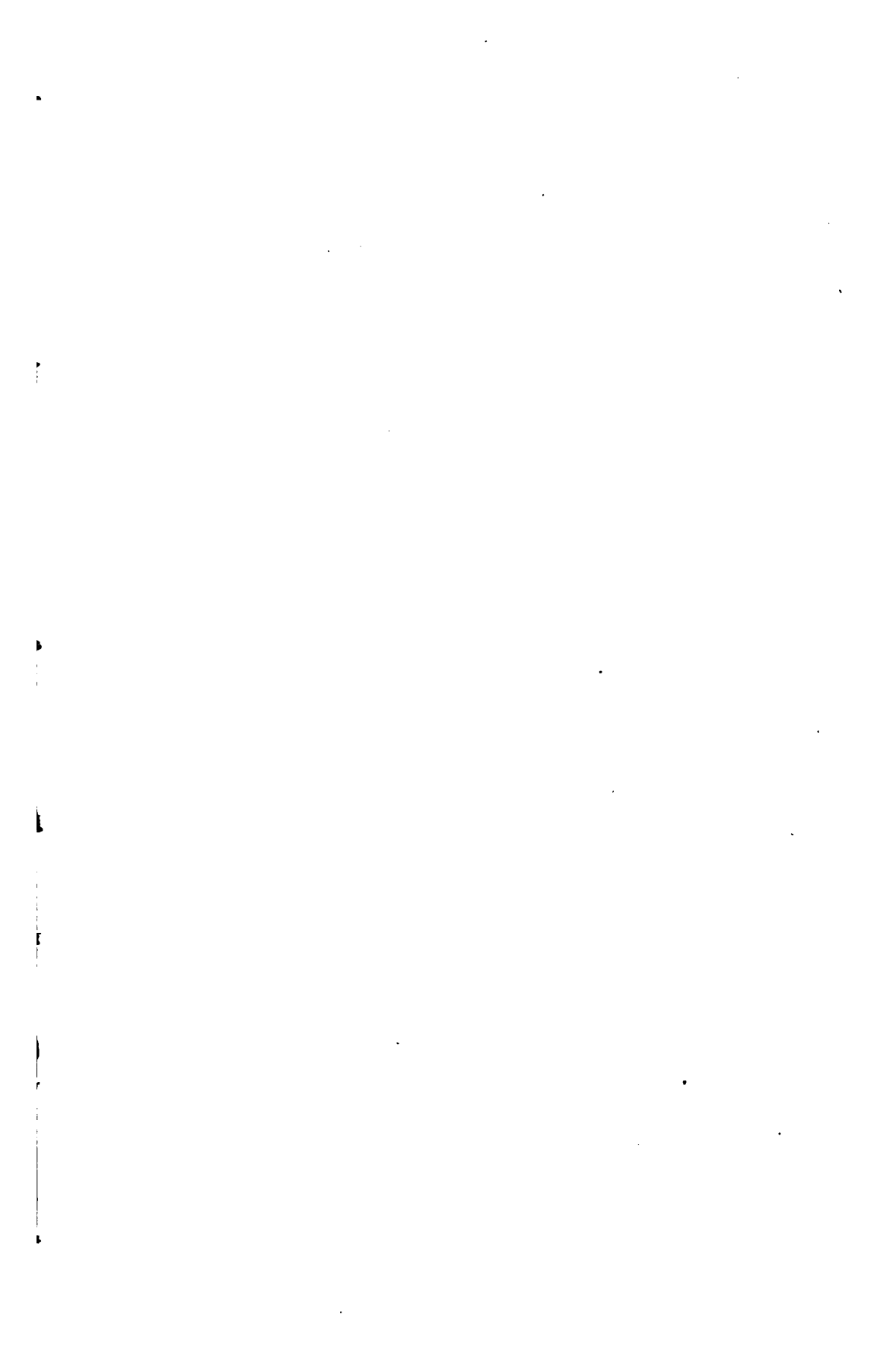
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JUDGE EPHRAIM CUTLER.

OHIO VALLEY HISTORICAL SERIES.

Robert Clarke & Co. Publishers, Cincinnati, O.



LIFE AND TIMES
OF
EPHRAIM CUTLER

PREPARED FROM HIS
JOURNALS AND CORRESPONDENCE

BY HIS DAUGHTER

JULIA PERKINS CUTLER

WITH BIOGRAPHICAL SKETCHES OF
JERVIS CUTLER AND WILLIAM PARKER CUTLER

CINCINNATI
ROBERT CLARKE & CO
1890

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ALPHABET

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PREFATORY.

After the lapse of many years, it is not easy to collect the materials for authentic history or biography. The fragments which compose the "Life of Ephraim Cutler," were gathered for preservation at the suggestion of his son, William P. Cutler, whose lamented death occurred before the work was finished; and it has been a sorrowful task to complete it without his advice and supervision, the lack of which will account for many deficiencies.

The great changes this century has produced make it desirable to preserve some account of the conditions of life, here in the West, during the early years of our history—conditions that have now passed away forever. It is also well to note the facts connected with the organization of Ohio as a state, and the introduction of those systems of state policy, which have contributed so much to its prosperity. It is hoped that the life and services of Ephraim Cutler, a true patriot and sincere Christian, will not be thought unworthy of permanent record.

A short memoir is added of Jervis Cutler, one of the original forty-eight who composed Putnam's band of pioneers that began the settlement of Ohio, April 7, 1788.

The sketch of the life and character of the late William Parker Cutler was written by E. C. Dawes, of Cincinnati.

MARIETTA, O., *May*, 1890.

J. P. C.

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RESIDENCE OF EPHRAIM CUTLER, WARREN TOWNSHIP, WASHINGTON CO., OHIO.

LIFE OF EPHRAIM CUTLER.

CHAPTER I.

SKETCH OF MANASSEH CUTLER—EARLY LIFE OF EPHRAIM CUTLER.

At the earnest request of my dear children I am induced to place on paper some sketches which relate to our family, and to my own personal history. I am disposed to yield to their importunity, as it is probably the only way they can become acquainted with many things which it is natural they should desire to know. I have had rather an eventful life, which I now have leisure to reflect upon, and to record some of the events I have witnessed and the scenes through which I have passed.

The Cutlers* are of Puritan origin, and came to Massa-

* The first of the family who came to America, was James Cutler, from Norfolkshire, England. He settled in Watertown, Massachusetts, with his wife Anna, in 1634. She died, and was buried September 30, 1644, after which he married Mary King, widow of Thomas King, of Watertown, and removed, in 1651, to Cambridge Farms (Lexington), where he lost his second wife, and married, in 1662, Phebe Page, daughter of John Page. He had four sons and eight daughters, and died May 17, 1694, aged eighty-eight years, leaving a good estate.

James Cutler, eldest son of the preceding James and Anna Cutler, was born in Watertown, November 6, 1635. He married Lydia (Moore) Wright, widow of Samuel Wright, and daughter of John Moore of Sudbury. They resided in Lexington, Massachusetts, and had five sons and two daughters. He was a soldier in King Philip's War, and died, July 31, 1685, aged fifty years.

John Cutler, fourth son of James and Lydia Cutler, was born in Lexington, April 14, 1675. He married Hannah Snow, of Woburn, Feb-

chusetts a few years after its first settlement by the English people. About eighty years later, my great grandfather, John Cutler, removed with his family, in the year 1713, from Lexington, Massachusetts, to Killingly, Connecticut. It was then a new country, with but few white settlers, and still inhabited by many Indians. He had purchased, as early as 1706, a large tract of land on the eastern border of Killingly. The surveys at that time were often inaccurately made, sometimes overlapping on other claims; thus occasioning much trouble and expense. He made his home in the center of his purchase. When the boundary between Connecticut and Rhode Island was finally established, the line passed directly through his house. My grandfather had a right to lands in Rhode Island which were disposed of since my recollection.

My grandfather, Hezekiah Cutler, the third son of John Cutler, was born in Lexington, Massachusetts, where he was baptised April 20, 1707. He married Susanna Clark, December 5, 1734. In manners and mental cultivation she was superior to most of her sex at that period. They both united with the church in Killingly, Connecticut, where they resided. Their children were: 1st. Melchabel, who married Simon Lee; 2d. Hannah, who died in infancy; 3d. Manasseh, my father; 4th. Ephraim, a very promising young man, engaged in mercantile business at Killingly. He was, to the great grief of his parents and friends, thrown from his horse and killed, May 21, 1766, in the twenty-second year of his age. 5th. Hannah, who died at the age of six years.

My father, Manasseh Cutler, was born in Killingly, May 13, 1742. His mother devoted much of her time to instructing her children, and early cultivated in them a love of learning. It was proposed to educate Manasseh for a physician, and he was placed under the instruction of the Rev. Aaron Brown, in order to obtain a sufficient knowledge of Latin to enable him to study medicine. Mr.

ruary 6, 1700, and removed from Lexington to Killingly, Connecticut, 1713. They had four sons and seven daughters. He died in 1729, aged fifty-four years.

Brown, at that time, was preparing his step-son, Joseph Howe, for admission to Yale College; and it was decided that my father should also take a full collegiate course. They were entered Freshmen at Yale in 1761, and both acquired a high standing in their class, and were graduated in 1765.

While at college, in examining some books lately added to the library, he found among them an early publication of Linnæus, on botany, which attracted his attention. The interest it excited probably influenced the studies of his after life. It was a new field for scientific research, and he devoted much time to botanical investigations. Few, if any, scholars at Yale or Harvard had at that time given the subject any attention.*

After he graduated, he made a visit to some of his mother's connections, in Dedham, Massachusetts, where, for a time he engaged in teaching; and where he formed the acquaintance of Miss Mary Balch, eldest daughter of the Rev. Thomas Balch,† first pastor of the South Church Dedham, whom he married. Not long after this, he removed to Edgartown, Martha's Vineyard, for the purpose of closing up a mercantile concern, and settling a large estate which had belonged to Colonel John Newman, the first husband of my mother's aunt, known to me as Madam Metcalf.‡ My father had given some attention to the study of law, and was admitted to the bar, and

* "M. Cutler wrote an account of the vegetable productions of New England, in 1785, probably the first essay of a scientific description." *New Am. Cyclopaedia*.

† Rev. Thomas Balch was born in Charlestown, Mass., October 17, 1711, and graduated at Harvard College, 1733. Ordained pastor of South Church, Dedham, June 30, 1736; and married Mary Sumner, of Roxbury, October 11, 1737. He was sixteen months a chaplain in the army sent against Louisburg, Cape Breton, in the Old French War. After a useful ministry of nearly thirty-eight years, he died at Dedham, January 8, 1774, aged sixty-two years. *Durfee's Cent. Dis.*, 1836.

‡ Madam Metcalf was Hannah Sumner, born May 8, 1715. She married, first, John Newman, graduated at Harvard College, 1740, and died at Edgartown, 1763. She married, second, Jonathan Metcalf, Esq. She died about 1798, leaving a valuable estate.

pleaded a few cases in the Norfolk county courts. But he was strongly impressed that it was his duty to devote his life to the ministrations of the gospel, and having accomplished the business he had undertaken at Edgartown, he returned, in 1769, with his family, to Dedham, and pursued, with his excellent father-in-law, the Rev. Mr. Balch, the study of theology. Two years later, he was invited to settle at Ipswich Hamlet, now Hamilton, Massachusetts, where he was ordained, September 11, 1771. He was the successor of the venerable Rev. Samuel Wigglesworth, then lately deceased.

It is well known that the New England clergy (except those of the Episcopal order) were among the most earnest supporters of the Revolution, and did more to keep up the spirit of liberty than any other class. This was true of my father, who watched with great solicitude the approach of the conflict. When the news came of the battle at Lexington, he made a short address to his parishioners, and joined them in their march to meet the enemy, and during the time the British occupied Boston, he was often at Cambridge to encourage his neighbors and friends in the arduous contest. In 1776, he was commissioned by the Massachusetts council chaplain to the regiment of Colonel Ebenezer Francis, detailed for the defense of the town and harbor of Boston. He was also chaplain to General Titcomb's brigade at the siege of Newport, Rhode Island, in 1778. A number of regiments of New England militia joined General Sullivan's army in this campaign, and none of them were more distinguished for bravery and a high personal character than the Essex county volunteers—many of whom were merchants who were then, or have since been, among the wealthiest and most respectable citizens of the country. From the failure of the French fleet to co-operate with the Continental forces, the campaign was unsuccessful, and General Sullivan, after some severe fighting, withdrew to the mainland. A pair of handsome silver-mounted pistols,* taken from the en-

* These pistols were given by Dr. Cutler, in 1817, to his grandson, Colonel Charles Cutler, late of Athens county, Ohio.

emy, were presented to my father by the officers of the brigade. His ministerial duties, and the claims of his family, with slender means of support, obliged him to retire from the army.

Like that of most ministers of his day, my father's salary was small, and, in order to provide for his family, he opened a school, which he continued to instruct for a number of years, in which many valuable men were prepared for usefulness in the world. In addition to the scholars who pursued the course of studies usual in such schools, he prepared a number of young men to enter college, others he aided in the study of theology, and to very many, who afterward became skillful sea-captains, he taught the art of navigation. His remarkable affability gained him the love of his scholars; his dignity of deportment, their highest respect; and all conspired to the success which distinguished this school.

In 1786, the Ohio Company was formed, of which he was one of the most active promoters. Many circumstances led him to think of providing a settlement for his family in some new country. I am not acquainted with the facts that led him, in the first instance, to turn his attention to the Ohio valley, but he had read all that the early French explorers had published of that region.

General Washington, in familiar conversation with his officers in a most gloomy period of the war, had pointed them to the Ohio and the land on its borders as an asylum from their enemies where they could enjoy freedom and competence. This probably influenced a number of the officers of the army, in 1783, to prefer a petition (which was accompanied by a letter from General Washington) to Congress for the purchase of lands in the Ohio Country. This design was, however, frustrated by the disbanding of the army before a purchase was made, and before Congress had made any regulations respecting the survey or disposition of their lands. The first important measure adopted toward bringing the lands north-west of the Ohio into market after the treaty of peace, signed at Paris, September 3, 1783, was the recession to the states

of the Union of all claim (with certain conditions) which the States of Connecticut and Virginia had to soil and jurisdiction north-west of the Ohio river. The next was to adopt a general plan for surveying the lands in ranges, beginning at the Pennsylvania line; the ranges to run north and south, and then dividing the ranges into towns and sections. This ordinance was passed in 1785. In 1786, General Rufus Putnam, General Benjamin Tupper, Colonel Ebenezer Sproat, Major Winthrop Sargent, etc., were appointed to commence the survey, and Tupper, Sproat, and others surveyed the first seven ranges.

On January 10, 1786, Generals Putnam and Tupper published a request to the officers, soldiers, and those citizens who felt disposed to engage in the purchase of lands in the Ohio Country and form a settlement there, to meet at the Bunch of Grapes tavern in Boston, on the first of March ensuing. This call was responded to by the appointment of delegates in different parts of Massachusetts, who met and held a meeting in Boston at the time and place designated. My father was one of these delegates, and was appointed one of a committee of five to draft the Articles of Association of the Ohio Company, which were adopted by them. At their next meeting, three directors were unanimously chosen. These were General Samuel Holden Parsons, General Rufus Putnam, and Rev. Manasseh Cutler; whose duty it was to make application to Congress for a tract of land in the North-west Territory. Major Winthrop Sargent was the secretary of the company.

More than a year passed before a sufficient number of subscribers was obtained to the Articles of Association to justify any attempt to carry out the plans of the company; when, on May 29, 1787, the directors appointed and empowered my father to make the purchase as their agent. He left home for this purpose, June 24, 1787, and went to New York, where the Continental Congress were assembled. His private journal kept during this journey, and while engaged in the negotiation, has many interesting details respecting persons and places, and gives

a full account of what he had to encounter, and how he overcame every difficulty in making the purchase. His efforts crowned with success, he returned to Massachusetts and submitted his action to the other directors and agents of the Ohio Company, by whom it was "fully approved, ratified, and confirmed." In the following October, he went again to New York, and, with Major Sargent, executed the contract with the Board of Treasury of the United States for a million and a half acres of land for the Ohio Company. In this short period, the groundwork was laid for events which, in their progress and consequences, form an epoch in the history of our country.

For my father, this was but the beginning of a season of the most arduous labor. It was peculiarly his character that, after he had fully considered a matter, and settled his mind to effect a purpose, nothing could discourage him; his energy and perseverance overcame all difficulties. The bargain was made for the land, but it required much effort to raise the money for the first payment, and to secure a body of men bold enough to commence a settlement in a wilderness, amidst savages who were strongly opposed to it. General Putnam and Colonel Sproat were to take charge of the pioneer party; still, the men and means were to be sought for and provided, and in this he bore his full share. I well remember the extreme anxiety and toil it occasioned him. I was then only about twenty years of age, but I enlisted some of the first adventurers; many, however, of the most effective men were induced to come forward through my father's influence. The wagons were constructed and the teams purchased under his own supervision for that part of the first company of colonists who started for Ohio on December 3, 1787, under the command of Major Haffield White. This party was joined at Sumrell's Ferry, on the Youghiogheny, by that from Hartford, Connecticut, under General Rufus Putnam, and all landed at the mouth of the Muskingum and began the settlement of Ohio on April 7, 1788. Of those who, with their families, removed early to the colony, and

remained to defend it during the Indian war, about one-half were influenced to come by my father or myself.

He attended a meeting of the directors and agents of the Ohio Company at Marietta, in August, 1788, and spent some time in examining the country. He was pleased with the location of the settlement, and greatly interested in its success; and labored to secure for it the best educational and religious advantages.

After his return from Ohio, he increased his school, and renewed his researches in botany and other branches of natural history. During a great part of his life, much of his time was employed in literary labors, and in correspondence with scientific men in Europe and America. Many valuable manuscripts were unfortunately lost in 1812 by a fire in his study. He was a member of a number of literary, scientific, and benevolent societies, and was considered by his contemporaries "a man eminent for talent and learning." He received the degree of A.M. from Harvard in 1771, and that of LL.D. in 1789 from Yale College. He was a member of the General Court of Massachusetts in 1800; and of the Congress of the United States from 1801 to 1805, when he declined a re-election, preferring to devote himself to his favorite studies and to the duties of his profession. He died July 28, 1823, in the eighty-second year of his age and the fifty-second of his ministry, much beloved and lamented by his people.

Having given this short sketch of the life and character of my revered father, I will now proceed with my own personal history. I was born in Edgartown, Martha's Vineyard, April 13, 1767, and named "Ephraim," as a memorial of my father's lamented only brother whose sudden death occurred about a year before my birth.

In June, 1770, when I was a little more than three years old, my father and mother visited my grand parents in Killingly, Connecticut, and took me and my brother Jervis with them. My grand parents earnestly entreated that I should remain with them, and in some measure supply the place of the son of whom they had been so unexpectedly bereaved; and so I was left to their care.

When my grandfather attended the ordination of my father at Ipswich Hamlet in September, 1771,* I was taken with him to visit my own and my mother's parents at Dedham. My parents came often to see me, but I believe I was not again in Massachusetts until I was sixteen years of age. During this time, the Revolution had commenced and run its course, and the United States of America had become a distinct nation of the earth.

My grandmother, to whose care I was committed, was a very intelligent woman, and took much pains to instruct me daily. She caused me to read to her much of the Bible, and taught me to repeat the Shorter Catechism. Her faithful instructions and wise discipline, I am confident, fixed thus early in life those moral principles and gave me that taste for knowledge which has, by the blessing of God upon her efforts, saved me from shipwreck of both soul and body. She was a most excellent woman, strict in her government, but always kind. I could read well before her death, and early acquired a love of reading, which has been a great source of comfort to me, and a lasting benefit. It pleased God to take her from the midst of a circle where her influence was of the most beneficial character on the 8th of April, 1774,† a few days before I was seven years old.

My honored grandfather was a man who exerted a commanding influence around him. He was dignified in his appearance and manners, and of great firmness of character. He was a truly pious man, and possessed almost unbounded benevolence. Among other instances, was that of an old woman, a church beneficiary, who for a long time occupied a chair at his fireside and enjoyed the

* Dr. Cutler writes in his diary, September 16, 1771: "My father set out for Killingly with Ephraim, our little son, whom he brought to visit us, but he chose to carry him back, and Ephraim chose to go with him."

† Dr. Cutler writes of this event: "April 19, 1774. Received the melancholy news of the death of my honored mother. She departed this life the 8th instant, after a very short illness. Blessed are they that die in the Lord."

hospitality of his house, and was so well satisfied with the treatment she received, that she proposed that he should "keep her all the time, and have all the blessing!"

I well remember that the express with the news of the battle of Lexington, which was the commencement of the revolutionary struggle, came directly to my grandfather's house in the night after the battle. He was in bed, and I slept with him. He arose and fired his gun three times, which was doubtless the agreed signal, as it was universally expected that there would be a hostile attack from the British. Before sunrise he and fifteen others had started for the battle-field. He had the care of a quantity of powder, which was kept in the meeting-house. He gave directions to have half a pound delivered to each man as he called for it. The house was thronged through the day with parties of ten or twenty, who followed on toward Boston. I suppose that from the age of sixteen to seventy all the men left, except sickness or some disability excused them. While the men were away, the women were thrown into a panic by a report that "Malbone's * niggers" were coming to pillage or burn the place.

My grandfather, before leaving home, gave a particular charge to his housekeeper to provide carefully for the wants of any soldiers who might call at his house during his absence. He was always ready in times of danger to do his utmost, and to encourage the soldiers by aiding their families while they were in the service. I have no doubt that more than one thousand dollars of his property, which was not large, was contributed to his country's cause beyond the legal demands during the Revolution. He was respected for his wise and prudent counsel by all, and was indeed a peace-maker among his neighbors. In the church he was for many years its main pillar.

Soon after his return home, my grandfather was married to Mrs. Abigail Robins, a good-looking woman, the

*Godfrey Malbone was a wealthy slave owner and merchant in Newport. He had a plantation in Mortlake, which was cultivated by slaves.

widow of an officer, who was killed in a battle with the French and Indians, near Lake George, N. Y., about the year 1759.

I remember an incident which happened near the beginning of the Revolution. A large crowd of people met in Killingly, and, on a hill near our house, raised a liberty-pole made of two long pieces of timber united by a couple of cross-trees; on the top of this, a flag-staff was placed. The flag had not the stars and stripes, for they were then unknown, but the sun just rising, and other appropriate devices, instead. An Englishman, by the name of Brightwell, who had come over during the old French War, and afterward married and settled in Killingly, came out of his door and looked at them: "Ah!" said he, "you know nothing of Old England; she will come and cut your liberty-pole down for you."

Whenever there was an alarm, a man was hoisted up to the cross-trees to set on fire a kettle of tar, the light of which could be seen for miles around, and was the signal for the patriots to assemble.

From the time of the battle of Lexington until the close of the war, on the Sabbath noons, I was called upon to read the New London Gazette. The house was generally filled with the elderly class of people, all anxious to hear the news.

When a little past seven years old, I was sent, with a boy much older than myself, to Talbot's Mill (where Killingly factory now stands), and while our grists were grinding, we went to the upper part of the mill-pond to bathe. We stripped off our clothes, on a rock near the shore, and my companion jumped into the water and swam a few feet to a shallow place, and called to me to follow. I plunged in, where the water was six or seven feet deep, and soon sank. He came to my relief, and brought me to the surface; but, he being a poor swimmer, and, I suppose, frightened, I carried him to the bottom. He, with difficulty, freed himself from me and escaped drowning.

His calls brought help, and I was drawn out by the hair of my head, after I had been fifteen minutes, perhaps more, under the water. I was carried to a house, where

every known means was used for my recovery. After two hours of persevering labor, the functions of life were restored, and I found myself alive, wrapped in warm red flannel, with my grandfather and others standing around me. Thus, a gracious Providence preserved me from an early death, when all hope had fled.

It was my grandfather's purpose that I should be educated at Yale College, where my father had graduated; but embarrassments, growing out of the troubled state of the country during and after the Revolutionary War, rendered this impracticable; and, while the war was in progress, it was not possible to keep up regular schools, so that my opportunities for obtaining a good education were in a great measure cut off. I procured an arithmetic, and, with very little help from a master, obtained a thorough knowledge of all the rules then taught in the best country schools. I had, I believe, from nature, a strong propensity to read; and, through life, no opportunity was neglected to read useful books when I could obtain them. I thus got a good understanding of history and geography quite early in life; all without system, and nearly all without an instructor.

The Rev. Elisha Atkins—pastor of the church in Killingly, and successor to the Rev. Aaron Brown—had, for many years, instructed young men preparing for college. He urged me to attend to mathematics, and I studied geometry and trigonometry, and acquired a knowledge of drawing and surveying, which was very important to me in after life. It has always been, to me, a source of regret that I was deprived of a liberal education. I have to acknowledge, however, that friends were raised up who aided me, some with instruction, and many with books, so that I have been enabled to perform some important duties toward the public, in a way that has been well received.

The habits of the youth around me, more especially those a few years older than myself, had become, in some degree, vitiated by being for a longer or shorter time in the army. We lived near Felshaw's, a noted tavern, where old and young congregated, quite too much, to hear the

news and drink flip. The house had, for many years, been the place for dram drinkers and tavern haunters to have their times for dissipation. Many were totally ruined, and I have often been astonished that I was not also ruined for time and eternity. But many circumstances, which I now remember, prevented me from going to destruction. I never loved rum. My own history, by many striking facts all through my life, demonstrates that a special Providence guides and directs the affairs of men. I can not be sufficiently thankful that God thus preserved me. The glory and praise be to His holy name.

As I increased in years and strength, my grandfather became more dependent upon me for the necessary labor on the farm. At the age of sixteen, I was compelled to conduct the whole business of the family. Cutting wood and hauling it some two miles, and the care of the stock in winter, were a part of my duties. I began very early in life to purchase articles, such as butter, cheese, and poultry, and taking them to market, thus getting a knowledge of business, on a small scale, which was useful. I also bought droves of sheep, and some cattle, and swine, which I took to market. Among the rest, I one year had several hundred turkeys, part of which I drove to Providence, and sold to a merchant, who took them aboard of a vessel bound to the West Indies. He cheated me out of them all.

Those who considered themselves my friends, early brought my name before the public, and, at the age of eighteen, my military associates elected me orderly sergeant, and not long after ensign, which office I held until I removed to Ohio. Soon after I became of age, I was elected lister (the same as assessor), and then constable, and was responsible for some office or trust during the remainder of my stay in New England. This enlarged my acquaintance with public business, although in a small way. In Connecticut, it was then a maxim that no man could hope to be advanced in public life unless he was first a constable and a corporal.

I very early felt the importance of having a helpmeet,

and before I had attained my twentieth year, I married Miss Leah Atwood, April 8, 1787, and had reason to be thankful, in all my after life, to a gracious Providence for bestowing upon me such an excellent, worthy woman.

I have already referred to the formation of the Ohio Company and to my father's agency in purchasing their lands. After the contract was completed and accepted by the company, it was resolved that General Rufus Putnam should proceed to the Ohio and commence a settlement on the company's lands. The first division of this pioneer party left Massachusetts early in December, 1787, under the care of Major Haffield White, of Danvers. The organization, selection, and preparation of this party was committed to my father, and under his direction the necessary stores were provided. My brother, Jervis Cutler, then about nineteen years of age, was one of the number. The enterprise at that time was regarded as very hazardous. It is a fact, that, until after the colony reached the Muskingum, very little was known, by the people generally, of the true character of the lands north-west of the river Ohio, or of the difficulties to be encountered and overcome in making a settlement upon them.

My father furnished me with books containing the Articles of Association of the Ohio Company, in order that I might obtain subscribers for shares.

I obtained upward of twenty subscribers, and these share-holders appointed me their agent, in which capacity I attended the important meeting, of the directors and agents, held at Providence, Rhode Island, on the 8th of April, 1788, although I was not of legal age until the 13th of that month. It was at this meeting that the eight acre lots were drawn, of which General Putnam was to commence the survey at and around Marietta.

In the performance of my duties as agent, I met with many vexations, and some serious losses. I never stipulated to receive much for my services. As soon as the Constitution of the United States was adopted, and the Acts of Congress had shown that a national credit would be established, public securities became valuable. Those

adventurers in the company who had paid only a part toward their shares, now found it difficult to obtain the means to liquidate the balances due. In this business I had to make a journey to New York, and suffered some severe losses occasioned by counterfeit bills.

In 1790, Samson Howe, Esq. (of Killingly), proposed to enter into a mercantile partnership, and procure goods at Boston and open a store, which we effected. The greatest advantage that accrued to me was getting acquainted with business and men. After about two years we dissolved partnership, and I built a store and commenced business at my house. It did not prove profitable farther than to meet family expenses. It was a very difficult period to make a profit; money was scarce, people were frequently leaving to settle new countries, and being obliged to transact my business on the credit system, I met with losses. Some would go off and forget to pay store debts.

For several years previous to 1795, the business transactions of New England, in the more densely populated towns, were subject to the strongest competition. No profitable pursuit could long remain without having numbers crowd into it—hence, disappointments were common. The consequence of this was, that the unsuccessful sought other fields of enterprise. The most active and resolute turned their attention to new countries. Vermont and Western New York received vast accessions of New Englanders of this description.

My grandfather's wife died in 1791; and October 4, 1792, my venerable grandfather, Hezekiah Cutler, departed this life, in the eighty-sixth year of his age, having been quite helpless for three or four years. He left his farm to me. I settled up my mercantile business, and, in 1794, sold the homestead farm with the intention of trying some new field of effort. I traversed the northern and western parts of Connecticut, and also western Massachusetts, with a view of establishing myself in business, but found no place that pleased me. My father urged me to go to New Hampshire; but my wife had been for some time in

declining health; two of her sisters had recently died of consumption; her physicians advised a more southern climate, and this determined me to remove to Ohio. Although the Indian war was still raging, my wife approved this course, and I began making preparations for moving west.

I had most of my property invested in three shares of land in the Ohio Company's purchase—one drawn in the name of Ebenezer Atwood, one in that of Benjamin Convers, and one in my own name. A farm which I owned, called the "Leonard Farm," of about forty acres, being incumbered by a life lease, I left unsold, and I had on hand barely money sufficient for my expenses on the journey. It cost me \$200 by the time we reached Marietta.

CHAPTER II.

1795 TO 1799.

JOURNEY TO OHIO—MARIETTA—WATERFORD—SALT-MAKING.

When our arrangements for going west were completed, on the 15th of June, 1795, I left Killingly, and parted from a circle of friends from whom I had received every mark of friendship from my childhood, and who had bestowed upon me at maturer age many evidences of respect and confidence. Mrs. Cutler's friends, as they pressed around her at parting, expressed their fears that she could not survive the journey. She answered cheerfully, that "she had committed herself to God, her Savior, and should not suffer herself to be disheartened by any apprehensions, particularly, as physicians in whom we had great confidence had advised a change of climate." On our departure, the Rev. Mr. Atkins addressed the throne of grace in our behalf; and our assembled neighbors gathered around and bade us farewell, with many good wishes and tears. Thus we left the scene of my early life, and started on this then hazardous journey and perilous enterprise. We had with us our four children. Mary, the eldest, was not yet eight years old; Nancy was two years younger; Charles was about three years of age; and Hezekiah a little more than one year old.

At Pomfret, we met with Colonel Israel Putnam,* Israel Putnam, Jr., and their families, and Phineas Matthews,

* Colonel Israel Putnam was born in Salem, Massachusetts, in 1739, and was the eldest son of the distinguished General Israel Putnam of revolutionary fame. He married Sarah Waldo, of an ancient and honorable Connecticut family. Colonel Putnam was a veteran of the Revolution, having served first as the captain of a company which he

with whom we went on our way. A part of the Putnam families had gone by water to Elizabethtown, New Jersey, to receive the small-pox by inoculation. We passed through Hartford, New Haven, and New York to Elizabethtown. This was a more expensive route than the one usually traveled. Emigrants generally left the New York route at Hartford, Connecticut, and crossing the Hudson near Fishkill, went thence through New Jersey to the Delaware at Easton.

At Elizabethtown, we were joined by Dr. Wm. Pitt Putnam, George Putnam, and Colonel Putnam's daughters. We now passed through New-Jersey and came into the usual route at Easton, where we crossed the Delaware on a Saturday, and proceeded twelve miles to Bethlehem. We arrived about noon, and as we did not travel on the Sabbath, procured pasturage for our cattle. In this we were courteously aided by the Rev. Mr. Heckewelder, the celebrated Moravian missionary, who had spent much time with the Indians. The afternoon was occupied in visiting the seminary for young ladies, which the Moravians had established at Bethlehem, and in inspecting many other things that distinguished this remarkable sect. On the Sabbath, we attended worship with the men by themselves, and the women of our party with those of the order.

had enlisted, and afterward as aid to his father, General Putnam. He was one of the Ohio Company associates, and came to Marietta with two sons in 1788, and in 1789 was one of the company who began the settlement at Belpre. Having made some improvements on his land, in the autumn of 1790 he returned to Connecticut for his family; but the breaking out of the Indian war soon after prevented their removal until 1795, when his sons, Israel, George, and Dr. William Pitt Putnam, and daughters, Sarah, Mary, and Elizabeth, came with him to the North-west Territory. His son, Aaron Waldo Putnam, had continued at Belpre through the war. Another son, David, a graduate of Yale, remained in Connecticut to study law; in 1798, he also came to Marietta. Colonel Putnam was an intelligent and enterprising agriculturist, and introduced choice fruits and an improved stock of cattle into the country. He was a worthy, upright, public-spirited citizen. His descendants are numerous, intelligent, and highly respectable.

Our conveyance on the journey was a wagon drawn by a yoke of oxen and two horses. We also drove one cow, which gave us an abundance of milk on the way. The Putnams had two large wagons with four oxen to each, and one wagon with two horses, two riding horses, and three milch cows.

Nothing especially interesting occurred until we came to the mountains. As we were passing over the ridges west of Carlisle, called the Three Brothers, on the top of one of them, Mrs. Putnam, wife of Israel Putnam, Jr., was taken suddenly sick, and gave premature birth to a child. No house being near, we had to make something like a bier, on which a large blanket was bound. Upon this she was laid, and four of us took it on our shoulders, and carefully and safely carried her on westward to the foot of the mountains, where there was a tavern, a large stone house, and a spacious farm. Here the Putnams were detained until Mrs. Putnam was able to endure traveling; and we went on alone, except that Phineas Matthews, who had thus far driven one of their teams, left them and came on with us to the Monongahela.

On our arrival at the river, I stopped with Esquire Becket, who then lived a short distance above where Williamsport is now situated; and he furnished us with a cabin near his house. We found the Becketts an agreeable family. Miss Peggy, the eldest daughter, afterward married Rev. Dr. —. Mrs. Becket was in feeble health, but made herself acquainted with Mrs. Cutler, and I believe no afternoon passed during our stay that they did not take tea together at our cabin or at the Esquire's house. I have ever felt grateful to him and to his family, not only for their friendly courtesy, but for substantial favors received.

I engaged some boat-builders to build a small Kentucky flat-boat, sufficient to take the four families down to Marietta. The boat was ready when the Putnams came on, and leaving the Becketts, from whom we had experienced the utmost kindness, my family and the three Putnam families embarked at Williamsport with the movables;

while Colonel Putnam and I took the horses and cattle across the country, by Washington, to Wellsburg, on the Ohio. When we arrived at Colonel Charles Wells's, near Wellsburg, we were overtaken by Phin. Matthews and Aaron Waldo Putnam, who had come up from Belpre to meet his father (Colonel Putnam), and to assist in taking down the boat. They brought us tidings that the boat, in consequence of low water, had stopped at Elizabethtown, some ten or fifteen miles from the place whence we started, and that my wife, Israel, Jr., and the old lady Putnam were all taken sick. The arrangement was then made for Waldo Putnam and Matthews to take charge of the stock, and proceed down the river, while Colonel Putnam and I went back to the boat. We found Israel and the old lady dangerously sick.

In a few days, a small rise in the river induced us to push out into the stream and renew our voyage. Colonel Putnam was soon taken sick, and also our youngest son, Hezekiah.

After passing Pittsburg (with its cabins and hewed log-houses) we made exceedingly slow progress, sometimes not more than three or four miles a day. The river had fallen, and we were often aground; and I, with George Putnam, was much of the time in the river lifting at the boat to get it over the sand-bars and shallows.

Below Pittsburg every human dwelling in sight of the river was fortified by what was then called a stockade—that is, palisades set together at a nearer or greater distance from the dwelling, with a strong gateway to enter the inclosure. The buildings were always furnished in the upper story with port-holes from which to fire upon the enemy with whatever guns (principally rifles) the occupants could obtain.

We were several days getting down to Beaver Creek, and before we reached there our dear little son, Hezekiah, died. We stopped at a new place, where the owner had buried some of his family, and by their side we deposited his remains.

At Wellsburg we were detained for some time by the

sickness of the Putnams, who remained weak and low. Mrs. Cutler had recovered. Both at this place and at Wheeling the remains of fortifications were still seen. Again we moved on in the usual slow way, the river very low. Below Wheeling we saw but few openings on the banks of the Ohio, and found no one living for fifty miles above Marietta. All was an unbroken wilderness.

After leaving Wheeling our dearly beloved Mary, our eldest child, was taken violently sick with bilious fever, which soon deprived us of one of the most promising children I ever knew. She had been instructed by the Rev. Mr. Atkins with his own daughter, and was quite precocious in her varied improvements. She interested all who saw her. To add to our distress we had no alternative but to commit her to the earth in the dreary wilderness, far from the habitation of any civilized being. She was buried on the Ohio side of the river, thirty miles above Marietta, all around an entire wilderness for twenty miles above the place, and thirty below. Nothing could be more gloomy and trying to parents than thus to leave a most darling child—one of greater promise few ever possessed. But He who gave took His own; blessed be His great and glorious name.

Soon after this afflictive event, as the boat was lying near the shore, Mrs. Cutler, in attempting to pass to the land on an oar or plank, fell, and, striking her side against the edge of the boat, broke two of her ribs and injured herself seriously. My own health, notwithstanding the great exposures from being very often in the water, continued good until about the time this accident occurred, when I was attacked with dysentery, and much weakened before the boat landed at Marietta, which was on the morning of September 18, 1795. We were thirty-one days on the river from the time we left Williamsport until we reached Marietta, and a little over three months on the way since leaving Killbuck.

A Mr. Griffin, whom I had casually met at Wellsburg during our stay there, and with whom I had formed a slight acquaintance, had preceded us, coming down the river with

goods for his store. He met us, and most obligingly procured for our temporary abode a room in the upper story of a block-house, and a team to remove us to it. And so the boat was left.

My disorder had greatly increased. I was barely able to get up the stairs to our contracted room. It is difficult to describe our situation at this time, or to give a correct view of our feelings, for they were varied.

We had overcome the labors and fatigues of an extremely long and perilous journey; but we had to mourn the loss of two of our dear children; one, just budding into life, with every promise of adorning her sex and family; the other, the darling youngest son, his mother's unweaned love. We had landed sick, among strangers, with no well-known friend to meet us with kindly greeting, and myself destined to be confined to a bed from which, for a time, there seemed little hope that I should ever rise in health. Such was our introduction to pioneer life.

To give an idea of the country as we found it in 1795, it may be well to state some facts connected with the history of the colony which settled on the Ohio Company's Purchase. Seven years and a half had passed since the settlement began at Marietta, under the direction of General Rufus Putnam; and for more than four years of this time, the Indian war had been in progress, and had only been brought to a close by General Wayne's victorious campaign, and his recent treaty at Greenville, concluded August 3, 1795.

Marietta presented the appearance of three fortresses. On the lower side of the Muskingum river, was Fort Harmar, erected by Major Doughty in 1785. The upper point was fortified by a stockade surrounding the buildings, flanked with block-houses; and at the residence of General Putnam, a mile from the Point, was Campus Martius, a regularly built fortress, with block-houses at each corner; so constructed as to be considered impregnable to a savage foe. The last two fortifications were erected by the Ohio Company.

Among the principal inhabitants were General Rufus Putnam, Hon. Joseph Gilman, Colonel Ebenezer Sproat, Benjamin Ives Gilman, Esq., Hon. Paul Fearing, Colonel William Stacy, Hon. Judge Woodbridge, Hon. Judge Griffin Green, Charles Green, Esq., Colonel R. J. Meigs, Hon. R. J. Meigs, Jr., Josiah Munro, Esq., Dr. Jabez True, and others, men who would have been distinguished in any place. Several of them have done honor to exalted stations. General J. M. Varnum, General S. H. Parsons, and General Benjamin Tupper died during the early years of the settlement.

It is not easy to convey a proper idea of the settlements at and around Marietta. The settlers had been almost from the first confined to a garrison life—much as if in a state of being besieged. They were constantly watched by a practiced, skillful enemy, who could safely approach them from almost every quarter, having the uninterrupted command of all the waters which enter the Ohio from the north, and of that river for nearly a hundred miles above Marietta, and for long distances below. Their habitations were at the heads of the principal streams, which they could silently and swiftly descend in their light canoes. The settlers here for nearly six years occupied the position of the forlorn hope of the western part of Pennsylvania and Virginia, and they nobly sustained the post. The doors and gates of the garrisons were seldom opened at early morning, and when the day was more advanced, men went cautiously around, apprehensive of an attack from the stealthy savage foe; and when the sun set the gates were closed and securely barred.

The effect upon the inhabitants which this state of things produced was strikingly manifest to one who had come recently from the land of steady habits. This garrison life had broken up former fixed habits of industry, and led to a fondness for sports and social meetings where drinking was practiced, and hours were spent in jovial conviviality, which, at the return of peace, would have been more profitably employed in improving their rich lands, or in preparing more comfortable dwellings. The

settlers were, however, almost without exception New Englanders, who came at first with the habits of industry, respect for order, and strict subordination to law, which characterize that people. Hence, nothing like riotous or unbecoming behavior had obtained an ascendancy. It would be difficult to collect a more intelligent and refined society than could be found at Marietta, Belpre, or Waterford. Far the larger portion of the men had served their country in and through the Revolutionary War; some of them had been officers of distinguished ability—many of them were remarkable for polished manners, strength of character, well stored minds, and honest hearts. Of these men who had fought by his side, General Washington said: "No colony in America was ever settled under such favorable auspices as that which has just commenced at Muskingum. Information, property, and strength will be its characteristics. I know many of the settlers, personally, and there never were men better calculated to promote the welfare of such a community."

The early colonists of the Ohio Company met with reverses. They were visited with the small-pox, which was uncommonly fatal, especially at Marietta; a failure of the crops one year produced almost a famine. Then came the Indian War, during which all the settlements were at times reduced to the greatest straits for provisions; added to these, they were constantly losing their young men, either by the Indian tomahawk, by enlistment in the public service, or by removal; for many were discouraged by the war, and went back up the Ohio, or even returned to New England.

Early in 1789, the Ohio Company surveyed at Belpre and Waterford lots of a convenient size to accommodate persons who came and wished to settle in the country before any of the Company's lands, except the small lots, had been divided and allotted to the share-holders. At both of these points settlements were soon made. There is probably no more beautiful and pleasant location to be found on the banks of the Ohio river than that of Bel-

pre,* where a number of industrious and enterprising citizens began a settlement in 1789. Many of them were officers of the army who had served with honor during the Revolutionary War. Block-houses were built for the security of the settlers, the principal one, called "Farmers' Castle," was, on the breaking out of Indian hostilities in January, 1791, put in a defensible condition, and placed under the command of Major Nathan Goodale, and here the inhabitants went into garrison. There were some deaths and many narrow escapes at this place, but the most serious loss was Major Goodale himself, a most brave and estimable man. He was taken prisoner by the savages in March 1793, and died in captivity. The command of the garrison then devolved upon Colonel Nathaniel Cushing, who was an accomplished officer.

The same year the settlement began at Belpre, one was commenced at Waterford. A stockaded fort was built for refuge in case the Indians proved hostile. It was situated about twenty miles above Marietta, on the east side of the Muskingum, half a mile below the present town of Beverly. It was called Fort Frye, and during the war was commanded by Captain William Gray, to whose watchful care and unflinching bravery the inhabitants were greatly indebted for their safety.

About two miles from Fort Frye, a fine mill seat had been discovered, at the falls of Wolf creek, which enters the Muskingum from the west. Mills are among the most urgent necessities of pioneer life, and this year Colonel

* The early settlers of Belpre included a large number of the old officers of the Continental line, among whom were Colonel Nathaniel Cushing, Colonel Alexander Oliver, Colonel Silas Bent, Colonel Israel Putnam, Colonel Ebenezer Battelle, Major Jonathan Haskell, Major Nathan Goodale, Major Oliver Rice, Major Robert Bradford, Captain Zebulon King, Captain John Levins, Captain Jonathan Devol, Captain William Dana, Captain Jonathan Stone, Captain Israel Stone, Captain Benjamin Miles, Captain William James, and others. Besides these men distinguished for intelligence and military service, there were civilians not less esteemed. Aaron Waldo Putnam, Hon. Daniel Loring, Hon. Isaac Pierce, the Barkers, Rouses, and many more, might be named whose descendants trace their families back to Belpre.

Robert Oliver, Major Haffield White, and Captain John Dodge began to erect mills at that point. These grist and saw-mills were completed in 1790, and were the first mills ever built within the boundaries of Ohio:

Among the associates who with their families first settled at the Waterford allotment, were Captain Daniel Davis and his sons, Major Coburn, Gilbert Devol, Esq., Captain William Gray, George, David, and William Wilson, Nathan Kinne, Major Dean Tyler, and Benjamin Convers, Esq. Mr. Convers was a gentleman of real genius, public spirit, and intelligence; his early death from small-pox was a serious loss to the whole community. Jervis Cutler and John Gardner were among the associates, but did not remain long in the settlement.

In the autumn of 1790, the settlement at Big Bottom, an extensive and beautiful tract of land ten miles farther up the Muskingum, was begun by a company of young men. They were active and resolute, but unacquainted with Indian warfare, and failed to exercise the caution which their safety required. The large block-house which they had built and occupied was unfinished; neither properly secured nor inclosed by pickets. On the 2d of January, 1791, they were surprised by a party of Delawares and Wyandotts, who killed twelve of their number and carried five into captivity, burned the block-house, and broke up the settlement. This opened the war which for four years desolated the border. The Wolf creek mills were abandoned, the settlers taking refuge at Marietta. Waterford was now the most exposed post on the frontier. The inhabitants retired to Fort Frye, which was attacked by the enemy on the 10th of March, 1791. This assault was successfully resisted. One man, Wilbur Sprague, was severely wounded, and most of the cattle belonging to the place were destroyed. A few weeks later, Daniel Convers,* then a youth, was taken prisoner and carried

* Colonel Daniel Convers, second son of Benjamin Convers, Esq., of Waterford, Ohio, in 1791, when fifteen years old, was made prisoner by the Indians and taken to Detroit, then a British post. He escaped,

into a tedious captivity, and the place continued to be watched almost constantly by small parties of the enemy. The exemption from greater loss was probably owing to the vigilance of the rangers or spies, who daily scouted the woods about the fort, and to the large proportion of experienced officers and soldiers in the place, whose courage and steadiness were invaluable. This point was greatly strengthened in 1793 by the establishment of a stockaded fort, with fourteen men and several families, at Olive Green.

We arrived in the country just at the time when, the war being over, the people had left the garrisons and were moving onto their lands.

and by the kindness of British officers was sent through Canada to New England, from whence he returned west nearly three years after his capture. He married the lovely daughter of Captain Josiah Munro, and settled in Zanesville. He was a genial, intelligent, and successful man. Judge Cutler always regarded him as a very dear and highly valued friend. On the occasion of his death, in August, 1848, he received from his son, Hon. Charles C. Convers, this announcement:

"I write to announce to you the death of my father and your friend. After an illness of almost three weeks, he, on Saturday, the 12th instant, at 12 o'clock, at his home in this place, serenely and peacefully breathed his last, surrounded by all his children.

"He became satisfied, a few days after his attack, that he would not recover, and contemplated his approaching dissolution with perfect calmness and composure. His mind was clear and unclouded to the last. He had no fear of death. He frequently spoke of it. At no time during his protracted sickness was he for a moment visited with faltering or misgiving, but throughout its whole progress exhibited a beautiful illustration of the Christian philosopher calmly awaiting his latter end.

"I know the ancient friendship, more than friendship—the *fraternal affection*—which bound my father to you and you to my father, which no causes whatever were, during a long life-time, ever permitted to disturb. It was an affection such as rarely occurs, such as death alone dissolves, and which, now that death has dissolved it, can never again, at your period of life, be supplied, for it was the growth of more than half a century.

"I have felt that you would wish to hear of the closing scene of your early and fast friend, and that you would be glad to learn that his last end was tranquil and resigned."

Several of the early settlers of Waterford were from Killingly, Connecticut, and as soon as they heard of our arrival at Marietta, they called upon us; and when my health would permit, which was not till some time in October, they came with a canoe and conveyed me up the Muskingum to that place. I decided to locate there, and arrangements were soon made for our removal. On my return to Marietta, two pirogues were provided, in which we immediately embarked, with our effects; and when we reached Waterford, Captain Daniel Davis, whom I had assisted in New England, invited us to his home, and gave us at least one-half of the best log-house in the country to dwell in during the winter. Captain Davis was the son of Deacon Daniel Davis, of Killingly, a very respectable man. All his family connections, which were numerous, were of the most substantial Puritan character. During the Revolutionary War, Captain Davis had been employed in many responsible services, such as engaging men for the army, supplying them with clothing and other necessities when required, and also providing for the families of those who were in active service. His patriotism led him to sacrifice his own property for the benefit of the public. This, with losses occasioned by the great depreciation of the currency, had reduced him in his pecuniary affairs. He possessed a robust, active body, a strong mind, and that prudent forecast which makes courage valuable. When he came to Ohio, in 1788, he was rather past the most vigorous season of life, but was very useful, as all placed confidence in his firmness and integrity.

When I moved to Waterford, the settlement consisted of thirty-two families, my own making the thirty-third. It was an intelligent and pleasant community. On the west side of the river was Colonel Robert Oliver, who added to his military reputation that of an upright, dignified magistrate. He was one of the directors of the Ohio Company, and was, by the appointment of President Adams, in 1799, made a member of the legislative council of the territory, and was afterward made the president of the council. He was in all respects a most worthy man.

Major Haffield White, a sterling revolutionary veteran, lived here; also, Major Dean Tyler, a scholar and a gentleman, educated at Harvard College. He was unmarried, and had no family ties here, but by his bravery and unselfish devotion to the interest of the settlers during the Indian war, often hazarding his life in their service, he secured the love and respect of the entire community. Colonel Thompson, a distinguished revolutionary officer, and Hon. Gilbert Devol, formerly a judge of the Supreme Court of Rhode Island, then both in the decline of life, were residents in Waterford. Those mentioned, with Captain William Gray, Captain John Dodge, the Wilsons, and other intelligent, worthy men, took the lead in matters of public interest. Their families are now spread abroad in the West.

We were much more comfortable at Waterford than at Marietta. Provisions such as venison, turkeys, bear meat, pork, corn-meal, etc., were abundant. From our cow we had plenty of milk and butter; and I had brought from Williamsport a quantity of flour sufficient to last seven or eight months. Most of these articles were scarce and dear at Marietta. The weather was very mild; my team found employment all winter to plow, as the ground was not frozen enough to stop the plow during the whole season, and very little snow fell.

Late in November, 1795, Colonel Benjamin Tallmadge, the treasurer of the Ohio Company, and Dr. John Mawney came on from New England with special powers from a large number of the share-holders to settle the affairs of the company. The agents who were in this country met with them at Marietta. The lands then being surveyed were drawn for; a division of the lands and a final settlement of the company's concerns was effected.

As an agent, most of my time was employed at Marietta till this business was completed.

That winter General Putnam gave me a job of surveying donation lots, of which there were 50,000 acres in Waterford, mostly east of the river. I surveyed the lands bordering on the north line of the donation tract from

Meigs's creek to Bear creek, comprising all that had not been previously surveyed on Olive Green, Big Run, Cat's creek, and Bear creek. The avails of this labor, which was about one hundred dollars, was a great relief to me in my then needy circumstances. I could not at that time dispose of any of my Ohio Company lands, except one Fifth Division lot, which I sold to Colonel Israel Putnam, and he applied it to cover one hundred acres in Belpre. He gave me only fifty dollars for it, which barely paid the expenses of our sickness on our first arrival at Marietta.

I made myself acquainted with a considerable part of the company's lands during this year, and spent some time, particularly, in examining those townships near to Waterford, where the surveys were completed, and thus acquired useful information respecting the value of these lands.

In the spring of 1796, we took possession of an empty cabin in old Fort Frye. I purchased of George Wilson four acres of rich bottom land near the fort covered with very large beech and poplar trees, which I cleared off, cutting all the timber, and piling and burning the logs. This, to a green hand, was a severe labor, as my hands bore witness. I planted it in June and had a fine crop of corn; I also built a cabin that summer, and removed into it in the autumn. That same year I purchased of Captain William Gray a lot of 68 acres, lying above the ferry, a part of which is now included in the town of Beverly. Here I fitted up for a store a cabin that had been upon the lot, and procured goods by exchanging for them the section of land which appertained to my Atwood share. It is No. 32, situated in Wesley township. I considered it at the time of little value, it remained for many years uncultivated, but is now, I believe, owned by actual settlers. The goods were the remains of a store belonging to General Joseph Buell; they, of course, were not a profitable purchase if paid for in money, but as the case was, it was well enough for me.

Before the first year closed of my residence in Water-

ford, there was one day placed in my hands, with a letter from Benjamin Ives Gilman, a packet, which, upon opening, I found to contain three commissions from Governor St. Clair—one as captain of the militia; another for justice of the peace and quarter sessions; a third for judge of the Court of Common Pleas. My astonishment was overwhelming. I felt my incapacity to perform the duties which the civil commissions imposed upon me to such a degree, that I concluded at first to return all but that for captain of the militia. While I was deliberating on the subject, Major Tyler called upon me and in a delicate manner referred to the matter, and observed that though probably it might be owing principally to my father's character, that the appointments had been made; yet he thought I ought not to hesitate in accepting them."

Soon after I settled at Waterford, Lieutenant George Ewing informed me that he had discovered a salt spring that had furnished salt for the Indians. We were often visited by numbers of Wyandotts and Shawnees, who came to sell wild meat and furs, and one of these had given to Mr. Ewing such information that he, with two or three others, went in search of the spring, and succeeded in finding the place. It was in the wilderness, nearly forty miles from us, on Salt creek, at what is now Chandlersville, in Muskingum county.

The article of salt was extremely difficult to procure. Nearly all the salt consumed west of the Alleghanies was brought over the mountains on pack-horses. The price was seldom less than five and was sometimes seven or eight dollars a bushel. People sent to Marietta to purchase it by the quart or gallon. It was not only excessively dear, but scarce, and hard to be obtained; and our means of realizing money were very limited. When the springs were discovered, a public meeting was called, and a "Salt Spring Company" formed from the settlements at Olive Green, Wolf Creek Mills, Cat's creek, and Waterford, for the purpose of making salt. They were divided into four classes, bearing the names of these places; and, at stated times, they relieved each other in the work.

We took possession of the spring, cleaned it out, set the large iron kettles we had for making sugar into arches, and began boiling the water for salt. It was a tedious, slow process. During a week of hard work, four men could make about six bushels. We succeeded so far as to make a full supply for the several settlements represented in the company, and had some to spare. Afterward, when our conveniences were improved, we could, by our best efforts, make five bushels a day; and it was a great relief to the whole country. We sold it at two dollars for fifty pounds.

When Zane's road, from Wheeling, Virginia, to Maysville, Kentucky, which was authorized by Congress in 1796, was opened through the forest, and was made passable for pack-horses; the inhabitants of the settlements near St. Clairsville cut out a path from this road, after it crossed Wills's creek, to come to the Salt Works; and we cut one through the woods to Zanesville, where Messrs. McCulloch and Crooks, with their families, had made a settlement. Frequently, travelers would leave Zane's road, and take the track by the Salt Works, and thus we sometimes had company in our cabin for a night.

I often went up with parties to make salt, and had at one time in my company a lively little Frenchman, named Peter Noblaise, who came from France with the Gallipolis French. One evening, two gentlemen called, and requested our hospitality for the night. They appeared like foreigners, but spoke English well. Peter soon discovered that our visitors were Frenchmen, and after we were collected in our cabin, he and one of them became very loquacious in their native language. Peter, being a good singer, commenced the Marseilles hymn, and sang several other French airs, in which he was joined by one or both of the strangers. The other man, who was a person of fine figure and engaging manners, confined his conversation mostly to me, asking many minute questions about the Ohio Company and the settlers at Marietta, and especially respecting the French at Gallipolis. We conversed until after midnight, when I gave him my bunk

and bear skin for his bed. The next morning he thanked us in the most cordial manner for our entertainment. As they were about to start, the one who had talked with Peter, took him aside, and told him we had entertained the Duke of Orleans [afterward Louis Phillippe, King of France].

While we were engaged in making salt, the Indians frequently visited us, and sometimes in considerable numbers. The young Delaware chief, George White Eyes, was, on one occasion, with a large party hunting in the region around us, when an event occurred which is perhaps worth relating, as illustrating Indian customs. He, with his wife and Old Tom, a Stockbridge Indian, with a bottle of whisky, were together drinking, when a quarrel ensued, and Old Tom struck White Eyes on the temple with the pipe end of his tomahawk, felling him to the ground, and then fled. The wife of White Eyes came at once to the salt works, and most earnestly urged our party to go out and bring her husband in. Four of us immediately started with her, and found him senseless, and but just breathing. We conveyed him to the salt works, and soon a large number of Indians came into the station. The squaws immediately proceeded to construct a place by digging a hole on the edge of a steep bank, where they built a fire with spice-wood, and placed over it a large flat stone. White Eyes was then brought and his wound treated according to Indian custom, by placing his head above the stone, at a little distance, one squaw brought water and poured on the hot stone, while another held a dressed deer skin, formed somewhat in a funnel shape, over his head to condense the steam, which occasioned a strong current of steam to envelop his head. This they continued to do for several hours, and the next day White Eyes* was able to go about with his party.

* Captain White Eyes, the father of George White Eyes, was, at the time of the first settlement on the Ohio Company's purchase, an influential chief of the Delaware tribe, and friendly to the white men. He was more than once ceremoniously received in the halls of Congress, at whose expense his son is said to have been educated at Princeton

College. Young George White Eyes, on his return to his native woods, resumed the habits of his early life. He was of small stature, but of a bright, intelligent countenance. His wife is described by the early settlers as a beautiful, uncultivated Indian girl, with long glossy hair hanging down over her well-formed shoulders. She wore, usually, a blue broadcloth dress, profusely ornamented with brooches, and moccasins highly decorated in the style of her people. Soon after his adventure at the salt spring, George White Eyes, while intoxicated, was killed by a white man in Jefferson county. His death caused great excitement among the Indians, and war was feared, but, through the influence of Bazaleel Wells, Esq., and by a judicious and liberal supply of presents, the storm was allayed, and the friends of the dead chief conciliated.

CHAPTER III.

SETTLEMENT AT AMES—SCHOOL LANDS.

In 1797, I purchased of Captain John Dodge about six hundred acres of his lands in town 6, range 13, for which I agreed to let him have the lot I bought of Gray in Waterford. This led me to examine with great care other lands I owned in the same township, and I explored and cut out a horse-path, some twenty miles to the waters of Federal creek, upon which these lands were situated. After several visits I determined to remove there and commence a settlement. Although in part hilly, the country was exceedingly fertile and well watered, and I was satisfied that "the lines had fallen to me in pleasant places, and the Lord had given me a goodly heritage."

When I left New England I expected to make farming the occupation of my life, and was encouraged to do so by my father,* and I decided to make the experiment on these lands.

* About this time Dr. Cutler wrote to him as follows: "It gives me much pleasure to hear of the attention and respect that has been paid you in the appointments you have received, which are distinguishing evidences of your good conduct. General Putnam wrote me that you were appointed a justice of the Court of Common Pleas. You inform me you have 1800 acres of land on Federal creek, where you propose to settle, having on it a mill-seat and the prospect of a salt spring. I have earnestly wished you to have a good farm, to establish if possible a good landed interest in preference to trade, or any other object, for there is nothing in this country that will render a man so completely independent and secure against the difficulties which arise from the changes which the times, the state of the country, and other contingencies may occasion, and which are and always will be taking place in the world. But my situation does not permit me to form a judgment when, or in what way this can best be done. You know that it requires a long time before many essential parts of a good farm can be brought to be productive. Orcharding, in particular, is a

Lieutenant Ewing had sold his land near Olive Green creek, and with Captain Benjamin Brown proposed to accompany me on one of my trips and view my lands. This ended in an arrangement that, on condition I would sell them one hundred acres, and donate one hundred acres to each, they would unite with me in commencing a settlement. After a thorough exploration they made their selection of land, and Mr. Ewing, having previously made a small clearing and built a cabin, moved his family out in March, 1798, but Captain Brown was not ready to commence his improvements until about the close of that year, and did not remove before the spring of 1799.

Better men could scarcely be found to aid in laying the foundations of a new settlement. Lieutenant George Ewing was a native of New Jersey. He entered the Revolutionary army when young, was noticed for his good conduct and bravery, and received a commission as first lieutenant in that distinguished corps, the Jersey Blues. Soon after the return of peace, with his wife and young family, he set his face westward, and for a few years resided near Wheeling, Virginia; but in 1793, with a number of other families from that vicinity, removed to Waterford, then the frontier post on the Muskingum. They were entitled to lands appropriated by Congress to those who at that period adventured their lives to defend the border against the Indians. They selected a tract on the

long time in maturing. Human life is short and uncertain; the sooner such a work is undertaken the better, if circumstances will permit it.

"In what I have written on this subject, it has not been my desire to precipitate you beyond what is for your real interest. Of this you must be the judge. But it is an object I wish you to keep in view above any other. There are many pleasing circumstances which attend employment in public business, but it is always hazardous depending on it for a living. The profits usually are small, it takes up much time, and the duration of such business ought to be considered in a degree precarious. Why can you not begin the settlement on these lands without moving immediately on to them yourself? Will it not be profitable to get a number of tenants, if they can be procured, to locate on such a tract? Would it not be eventually profitable to give them almost any advantage short of a title to the soil?"

Muskingum, below the mouth of Olive Green, about four miles above Waterford, where they built a stockaded fort and began to improve their lands. By prudence and vigilance they maintained their position till the close of the war, with the loss of but one man—Abel Sherman.

Mr. Ewing possessed a large fund of sterling sense and kindness, combined with lively wit and good humor, and was in all respects a most worthy man. In the settlement on Federal creek, he was ever ready to promote schools, the library, and every measure calculated to advance the public good. Captain Benjamin Brown was a native of Massachusetts, and was a no less estimable character. He entered the army in 1775, was a lieutenant in Colonel Prescott's regiment at the battle of Bunker Hill, was promoted a captain, was in the battle of White Plains, was at the taking of Hackensack under General Parsons, and in many other engagements. He was the first man to enter the Hessian works at Saratoga, October 7, 1777, when they were stormed and taken by the Americans. For his distinguished gallantry, he was offered a position on the staff of General De Kalb, which he declined. Compelled to provide for the support of his family, he resigned his commission after four years of meritorious service. He came with his family to the North-west Territory in 1797. Captain Brown was a most useful member of the new settlement, doing much in every way for its advancement. I think it is due to these two men to place upon record something of their achievements and character. Their history is part and parcel of the history of our beloved country. The labors and daring of these men, and others like them, gave to that country its national existence. They possessed an uncommon share of courage and perseverance, and it required such men to begin an isolated settlement in the midst of the hunting-grounds of the savages, who regarded the advance of the white man with little favor. The rich limestone hills and valleys, and the chestnut ridges, furnished abundant food for wild animals of every description, and the region for many miles around had not been invaded by civilized men,

with the exception of the surveyors of the Ohio Company and a few solitary white hunters.

Captain Brown and I gave Mr. Ewing assurances that we would follow him as soon as necessary arrangements could be made. Circumstances, however, prevented until April 16, 1799, when I went out with Joseph Pierce and Wright Convers, and made the first opening on my Federal creek farm by beginning to clear a place for a cabin on lot No. 4, town. 6, which township was afterward named "Ames," as a memorial of the services of the Hon. Fisher Ames, of Massachusetts, in procuring a settlement between the United States government and the Ohio Company, and in obtaining a grant of one hundred thousand acres of donation lands to encourage settlements within the bounds of the company's purchase.

By the first of May, we had cut down the trees standing on about one acre, and had the logs ready for a cabin, when a rain fell sufficient to raise Federal creek so as to admit large pirogues to come within two miles of my place. I started at once with my two men and Samuel Brown for Waterford, with the purpose of having our goods brought round by water. When we came to Wolf creek on our way, it was so swelled by the late rain as to be impassable. We found a large bitter-nut hickory tree standing near the creek, which we cut down, and peeled off the bark from about thirty feet of the trunk; and with the bark of the leatherwood, which grew there in abundance, we sewed up the two ends; then smeared the slippery inside with earth, so that we could stand up in it, and launched it into the creek. We made some paddles of the wood of the hickory tree, and went aboard our craft. Finding it a better boat than we expected, instead of crossing the stream, as we at first intended, we concluded to use it to convey us down to Wolf Creek Mills, fifteen miles below. The current bore us on at a good speed. Presently we saw a bear on the bank about to swim the creek. Having a rifle on board, we shot him, and landing, carefully placed our prize in our frail canoe. This, with the four persons, was rather too heavy a load,

and the leatherwood strings threatened to give out. I laid myself down, and grasping my hands around the bow of our boat, remained in that position, holding it firmly together, until we arrived with our cargo safely at the mills.

Pirogues and men had been previously engaged, and the next day they started with our goods and furniture, down the Muskingum and Ohio, then up the Hocking river and Federal creek, a distance, altogether, of about eighty miles.

Captain Brown had prepared a cabin on his land, and both his family and my own were now to be removed. There had been added to our family while in Waterford two children; Mary, born July 30, 1796, and Daniel C., born February 20, 1799—he was then about three months old. I, with four horses, took Mrs. Brown and Mrs. Cutler, and all our children,* to go near twenty miles through

* Judge Cutler gave each of his three eldest children a farm in Ames.

In 1814, *Nancy Cutler* went with her uncle, Major Jervis Cutler, to New England, by way of Baltimore, just escaping the British army as it entered the city. She rode on horseback from Ohio to Philadelphia, and thence in a chaise to Hamilton, Massachusetts, where she remained at school nearly three years. After her return to Ohio, she married Rufus Gregory Carter. Her long and exemplary life closed in Franklin county, Ohio, December 31, 1882, in her ninety-third year.

Charles Cutler possessed a pleasant disposition and agreeable manners. He was accustomed to the forests from his childhood, was perfectly fearless and never bewildered in their depths. Expert in all woodcraft, he enjoyed equally a run with the hounds or a stroll with his rifle. He married, in 1819, Maria, eldest daughter of Hon. George Walker, and settled in Ames. He was colonel of militia and a practical surveyor. He finally removed to Chauncy, and engaged in mercantile business; but meeting with losses, he joined a California company, and died of cholera on the overland route, May 24, 1849, aged fifty-seven years.

Mary Cutler married Gulliver Dean, and resided on the farm given to her by her father. She was a most amiable, intelligent, Christian lady. She and her husband were among the earliest pioneers of Methodism in Ames. She died February 18, 1872, aged seventy-six years.

Daniel Convers Cutler remained in New England in the family of his grandfather, Rev. Manasseh Cutler, until 1816, when he returned to

an entire wilderness to our new home. Night overtook us before we were able to cross Sharp's Fork of Federal creek, and we were obliged to encamp. We experienced a very rainy night, and the creek, in the morning, was rapidly rising. I hurried, and got Mrs. Brown and Mrs. Cutler and the children, with the baggage and horses, over the creek, all except A. G. Brown, then a child perhaps two years old, whom I took in my arms, and as I stepped on a drift of flood-wood which reached across the creek, it broke away from the bank. We were in danger, but a gracious Providence preserved us, and we got safely across. We reached our camp, near which we afterward built our cabin, May 7, 1799.

The pirogues arrived with our goods the next day, and landed them near the place since owned by Colonel A. Boyles. We cut a road through the woods and brush two miles, and hauled up our things and placed them in the camp; which, being covered with black-ash bark that curled up by the heat of the sun, proved a poor protection against the frequent showers. As the creek was falling, we could not detain the boatmen to help raise the cabin as we intended, for this would prevent them from getting their boats back. Captain Brown, Mr. Ewing, and I remained and raised the cabin; but we could not make and put on the shingles, and it was more than two weeks before the hands returned to do it.

We set ourselves to prepare a piece of ground for planting. The timber was large, principally beech and sugar-tree, all of which we cut down and piled, and burned the most of it. Four acres were cleared ready to plant by the fifteenth of June, and we planted it on the sixteenth. From this patch of ground I raised that year one hundred and fifty bushels of corn that ripened well. I had a fine

Ohio. He married Betsey, daughter of Abel Larkin, Esq., of Meigs county, Ohio. His father gave him a farm in Warren, near his own. This he sold in 1857, and removed to Kansas, where he died, January 10, 1887, aged eighty-eight years. He was a substantial farmer, a good citizen, and an upright, Christian man. The township in Kansas where he lived bears his name.

lot of swine, twenty head of cattle, and two horses. The crop was sufficient to keep my stock, the winter being mild; and to fatten a good lot of pork. The forest, however, was a great help, for the supply of nuts and acorns was inexhaustible.

The next day after I finished planting, I had to find my way through the woods to Marietta, to attend court. A path had been cut from Marietta to Athens, which crossed Federal creek a little below Marietta run. I struck through the woods until I found this path. I was thus called away to attend court four times a year, and had to spend two weeks or more each time. The Quarter Sessions sat generally about a week, then the Court of Common Pleas commenced and sat at least a week. The judges had no per diem or traveling pay. All that the justices of the sessions received was derived from the fines in criminal suits. The judges of the Common Pleas had a small bill of costs allowed them on rendering judgment. This, when divided, was but a small sum to each. During the seven years I served in these courts, my dividend was not sufficient, but in a single instance, to pay my weekly board while at Marietta. I did not receive a cent for ten weeks of service each year in this interesting period of my life, when every day was important in clearing land, and securing a livelihood. I never failed attending a single court. I often had to camp in the wilderness for a night, going or returning. When the weather would permit, I spanceled my horse (that is, tied his fore-legs together with a cord) and, without fire, laid down beside some old decaying tree that had fallen, and thus passed the night.

The country immediately adjoining, north and west of us, was a favorite hunting ground of the Indians, which they never failed to occupy in large parties during the hunting season, until the war of 1812 commenced, when they withdrew. They sometimes visited us, but did us little injury, except stealing two horses. The buffalo and elk were not yet exterminated; deer and bears were

abundant, and wild turkeys innumerable. Wolves and panthers also infested the woods.

The settlement was not compact; the families that first came lived from one to two miles apart, and our nearest means of communication with any civilized people was by a narrow pack-horse track over hills and across streams, sometimes impassable, to the distant settlement at Wolf creek mills. Our friends considered us in a dangerous situation, quite on the outskirts of civilization, in the midst of a howling wilderness.

We, of course, depended on these mills for grain and meal. Several persons who were indebted to me when I left Waterford agreed to leave grain at the mills for me. The next fall, after we moved on to Federal creek, as Mr. Ewing was going to the mill, and our stock of bread-stuff was about expended, we sent with him our horses and Charles, not yet eight years old, to bring home a grist for us. The next day Charles discovered about noon that Mr. Ewing would be detained another day; being naturally of a fearless disposition, he got the miller to load his horses, and mounted and started home alone. We were expecting him. The wolves had given us a very unwelcome serenade during the evening; his mother felt uneasy, and could not retire to rest, but a little after midnight she was relieved, and assured of his safety, by hearing his voice singing cheerily as he came through the woods.

The settlers soon wearied of conveying grists and goods on pack-horses, and the next winter determined to cut out a wider and better road which could be used for teams. A beginning was made, but at the end of ten miles, the weather became so unpleasant that the party broke up and all returned home, except Joseph Brown and myself. We had a horse and a sled with a yoke of oxen with us, and proceeded toward the mills, cutting our way as we went. The days at that time of year are short, and as it snowed incessantly, the hours of daylight were few, and night found us only four miles from the place we left that morning, and the snow a foot deep. With flint and

tinder we lighted a fire and camped down for the night. The next morning we found several inches of snow on the blanket that covered us. We continued our tedious journey which, as the cold increased, grew every mile more difficult. The horse tired of so slow a march broke from us and pursued his way toward the Muskingum. Leaving Brown with the team, I endeavored to overtake and secure him, but although I two or three times got near enough to grasp his tail, he sprang from me, and after following a mile or two, I gave up the pursuit; and the next time I heard of him was at Harmar, where he came in with the harness and collar about his neck. I was myself chilled through and almost exhausted; and when I got back to young Brown, he was crying with cold, and in despair of ever getting to any settlement. I encouraged him to keep on, and we soon got into a road which Mr. Proctor had cut out to the land upon which he afterward settled. We had now but little chopping to do, but the snow was still falling, and at every step we sank into it some inches above our knees. Brown began to grow stupid, and it was only by frequently shaking him that I could rouse him and keep him from going to sleep. About midnight we came to Mr. William Ford's, the first habitation. Here, the night being intensely cold, a good fire was burning; and Mr. and Mrs. Ford arose to receive us, and kindly administered to our necessities; putting our hands and feet, which were badly frozen, into cold spring water, and carefully bathing our faces, which were in about the same condition. It was several days before we could leave their hospitable house; and much longer before we were able to return home with the grist for which we had made this comfortless journey. That snow is remembered by the old settlers as the deepest ever known in this part of the country. I have always considered it a merciful Providence that our lives were preserved.

The first territorial legislature, at their second session, passed, November 27, 1800, "An act authorizing the leasing of lands granted for the support of schools and for

religious purposes in the county of Washington," and appointed seven commissioners or trustees to carry out the act, and named me as one. I accepted the trust, and was, with the Hon. Isaac Pierce, authorized by the board of trustees to personally examine, and at our discretion to lease for seven years, any tract that should be applied for in the school or ministerial sections Nos. 16 and 29, in each township west of the east line of Range IX. This duty was a laborious one, and occasioned us considerable travel in the wilderness. We were called to view and lease a number of sections in Gallia county, one of which composed a part of the out-lots of Gallipolis. The whole board assembled to put a value on the city lots situated within the bounds of section 29, Range VIII, at Marietta.

[In a letter from Judge Cutler to his father, Rev. Dr. Cutler, dated "Marietta, January 8, 1801," he says of this meeting: "I am now here attending a meeting of the trustees for the county of Washington for the purpose of determining on the principles for leasing all the ministerial and school lands in the Ohio Company's purchase. In the session of our legislature which met in October last, Griffin Green, Robert Oliver, Jonathan Stone, Isaac Pierce, Ephraim Cutler, Benjamin I. Gilman, and William Rufus Putnam * were incorporated as a body corporate

* William Rufus Putnam, born in Rutland, Massachusetts, December 12, 1771, was a son of General Rufus Putnam, who superintended the first settlement made at Marietta, Ohio, April 7, 1788. He was educated at a school in charge of the celebrated Dr. Dwight, afterward president of Yale College. He came to Marietta in 1790, and assisted his father, who was a director of the Ohio Company and surveyor-general of the United States. In 1801, he was a representative from Washington county in the territorial legislature, where he distinguished himself as an able speaker and law-maker. He was regarded as a young man of great promise, and no public station need have been beyond his ambition. But after the state government was formed, like many other true men, he would not surrender his principles to secure public favor, and therefore for nearly a quarter of a century he held no office out of his own county—a comparative obscurity which he bore with great cheerfulness.

In 1826, he was elected to the House of Representatives in the state legislature, and was re-elected the next year, after which he served a

and politic forever, to hold in trust the lots Nos. 29 and 16, in each township of the Ohio Company's purchase, and were empowered to lease lot No. 29 in the town of Marietta (where it has been built upon, or may be hereafter built upon), with permanent leases. Houses worth two thousand dollars and upward are entitled to a permanent lease for one acre, and houses of less value to a less quantity. A house of the value of two hundred and fifty dollars is entitled to one-third of an acre, but houses of less value are not entitled to a permanent lease. The permanent leases are to bear such rent as the trustees affix, provided the same do not exceed ten dollars for one-third of an acre, or be less than one dollar. The other lands in lot No. 29 in Marietta are to be leased for a term not exceeding seven years, nor less than three years, at a sum not exceeding five dollars for one-third of an acre. The lands in all the other lots in the purchase are to be leased for such improvements as the trustees may think proper, for a term not to exceed seven years, nor less than three years.

"The law places ample powers in the hands of the trustees, and is universally agreeable to the wishes of the people. This is our first meeting. We have fixed upon certain leading principles by which to be governed in the conducting of this business, the wisdom of which will now be put to the test of experiment. There has been the greatest harmony and union of sentiment with the trustees, which, if it continues, will add to our usefulness, and I have not the most distant fear of the contrary."

The care which the trustees exercised in the management of their trust is shown by the following lease, found among Judge Cutler's papers:

"This Indenture, made the first day of April, in the year of our Lord one thousand eight hundred and one,

term in the Senate. In 1840, he was one of the presidential electors at large on the Harrison ticket. He was for many years an efficient member of the board of trustees of the Ohio University, at Athens, and a pillar of the Congregational Church at Marietta.

between the Trustees for managing lands granted for Religious purposes and for the support of Schools in the county of Washington within the Ohio Company's purchase of the one part; and Hugh Boyle of Ames in the County of Washington, North-west Territory, Esquire, of the other part, Witnesseth, That the said Trustees, in pursuance of the seventeenth section of the law of the Territory aforesaid, passed the twenty-seventh day of November one thousand eight hundred, intituled, 'An Act authorizing the leasing of land granted for the support of Schools, and for Religious purposes in the County of Washington,' have granted, leased, and to farm let unto the said Hugh Boyle, his heirs and assigns, a certain tract or parcel of land situate in the township of Ames aforesaid, butted and bounded as follows, viz: Mile lot No. 16 in the 12th Township in the Fifteenth Range, granted for the support of Schools; for the term of seven years, commencing from and after the First day of April Instant, on condition that the following improvements shall be made which the said Hugh Boyle covenants and agrees to make, do and perform on penalty of one hundred dollars, in which sum he binds himself, his heirs and assigns to pay to the Trustees aforesaid if the following conditions are not complied with on his part viz:—not to make unnecessary waste of timber, nor to injure sugar trees, and within seven years from the commencement of his term to clear Twelve acres of all trees, brush and wood, Five acres of which shall be suitable orchard ground, and set out or planted with Two hundred apple-trees, thrifty and of a proper size to set in an orchard; which orchard shall be enclosed by itself with a good and lawful fence and kept in constant repair, and no animals of any kind suffered to feed or graze therein; the remainder of the Twelve acres to be the most suitable land for meadow, and seeded in a proper manner with herds-grass and clover seeds, and the said meadow shall be fenced and improved in a good husbandman-like manner.— Furthermore, the said Hugh Boyle covenants, that within the term of his lease he will clear six acres in a suitable manner for pasturing, and

seed the same with a proper quantity of clover and herds-grass seed; and also that he will clear in a proper manner and have under improvement and cultivation at the end of his term;—the several lots of land covenanted and agreed to be cleared as aforesaid shall be separately enclosed with a good and sufficient fence agreeably to the law of the Territory, when the said Hugh Boyle is to yield peaceable and quiet possession.

“In witness whereof the said Trustees have caused Wm. Rufus Putnam, their clerk, to subscribe his name and affix the seal of the Corporation, and the said Hugh Boyle hath also interchangeably set his hand and seal the day and year first above written.

“HUGH BOYLE. [SEAL.]

“WM. RUFUS PUTNAM. [SEAL.]

“Signed Sealed and Delivered

in presence of

“BENJA. BEADLE,

“JAMES CONVERS.”

In a letter dated April 25, 1801, Judge Cutler writes to his father: “The trustees for managing lands granted for religious purposes and the support of schools in this county have had a long session. We have conducted our business thus far with the utmost harmony. We have fixed the ground rent for permanent leases at Marietta on about twenty lots. The rent is fixed from about four to eight dollars for one-third of an acre, according to the situation. The other parts of that lot are leased for seven years, in consideration of having certain improvements made—orchards set out, and the like, but no rent paid until this lease expires.”

In the letter, dated at Ames, from which the foregoing extract is taken, the writer also gives some items respecting the progress of the new settlements on Federal creek: “When I first moved out here, a tract of country thirty miles square, nearly in the center of which the university townships are situated, was incorporated by the name of

Middletown. Most of the inhabitants within its bounds at that time were settled on the college lands, except a few on one or two school or ministerial lots lying on the Hockhocking river. Those who came out with me, and those who have moved here since, are freeholders, and, generally speaking, are a very different class of people from those who settled on the public lands; therefore, at our last court, by the united petition of our inhabitants, we were incorporated by the name of Ames. This name I proposed to the people, and they unanimously agreed to it (after offering and insisting upon the name of Cutler; which I thought best to oppose). The able support the Hon. Fisher Ames gave you and the other directors, in settling your business with Congress, and his enlightened, enlarged, and truly just ideas respecting the western country and politics in general, with other reasons, induced me to fix on this name.

“We have one hundred and sixty-one souls in Ames, which was two years ago a howling wilderness, where only wild beasts and hostile savages were found. Suffer me to say, for it has cost me months of toil and anxiety, that of this settlement I look upon myself as the sole founder. I do think that its native woods would yet clothe every foot of it, if I had not stepped forward and made the exertions I have, regardless of trouble and fatigue. But I am richly repaid by the success which has crowned the undertaking.

“The township of Ames contains about one-fourth of the territory of what was formerly Middletown. There are in the latter nine hundred and seventy-three inhabitants mostly on the college lands. There are now ten families living within about two miles of me; and fifteen others, at a greater distance, have moved on to their land and begun clearing; and thirty more families are expected this spring. These who are now, or are soon to be my neighbors, were most of them induced to move here from personal friendship for me, or were influenced by me to come.

“We have had one of the finest winters for business I

ever knew. I have employed three hands all winter to as great advantage almost as I could in summer. I have got my barn (forty-six by thirty feet) built; my saw-mill all framed and the gears made, and have dug a race forty-five rods long, and hope to get my saw-mill to run in three or four weeks, and my grist-mill before next winter."'] Judge Cutler, in his narrative, says: The respectability and success of the settlement at Ames resulted I believe from the character of its early citizens, and the direction they gave to its affairs. Of these, besides Captain Brown and Lieutenant Ewing before mentioned, were Silvanus Ames (afterward judge) and his accomplished and estimable wife, who came here in 1800, and near the same time the worthy Deacon Joshua Wyatt and his wife, a pious and intelligent woman, also Mr. John Brown and Colonel Absalom Boyles, both prominent and useful men, About 1804, a number of good families moved into the township, among them Judge George Walker, an active and influential citizen, Mr. Jason Rice, Mr. Abel Glazier, and other desirable accessions.

- The settlers very early entered into an agreement not to use ardent spirits at elections, on the fourth of July, at social parties, raisings, logging-bees, or any public occasion, and to this engagement they strictly adhered for many years. The Sabbath was also observed as a day of rest, and meetings for public worship were held, conducted by Deacon Wyatt. On these occasions Burder's Village Sermons were usually read.

Schools of an elevated character were soon established. In 1801, my cousin, Moses Everett, taught a school in a room of my house. He afterward kept a school in Gallipolis. He was the son of Rev. Moses Everett, of Dorchester, Massachusetts, and a graduate of Harvard in 1796. He entered the army and died at Fort Erie in 1814. The next teacher was my brother, Charles Cutler,* who came

* Charles Cutler, son of Rev. Manasseh Cutler, LL.D., was born March 26, 1773; graduated at Harvard College, 1793; taught in the

to Ohio early in 1802. He graduated at Harvard College in 1793, and taught school several years in Boston. He was a man of ability and a fine scholar. He came to the west, on account of his health, and died at my house in Ames, September 17, 1805.

I took the United States Gazette, at that time the only paper taken in the place, and this, except by fortunate accident, did not arrive much oftener than once in three months. In our isolated situation, we felt the need of other means of acquiring information. At a public meeting of the inhabitants of Ames, called to devise means to improve our roads, and to consult about making one to connect the settlement at Sunday creek with that on Federal creek, held in the autumn of 1802; the intellectual wants of the neighborhood became the subject of the conversation. It was suggested that a library would supply what was needed, but the settlers had no money, and, with few exceptions, were in debt for their lands. The question of ways and means was discussed. Mr. Josiah True, of Sunday creek settlement, proposed to obtain the

South Latin School, Boston. Went into the army in 1798 as lieutenant and quartermaster of the 15th regiment, stationed at Portland, Maine; returned to Boston in 1800, and read law with Hon. Harrison G. Otis. On account of ill-health came to Ohio in 1802, and died at the age of thirty-two years. He was a talented and scholarly man.

In a bundle of faded letters, the following note from Mr. Cutler's scholars was found.

"Ames, April 13, 1803. Mr. Charles Cutler. Sir: The time having arrived which dissolves the relation of tutor and pupils, which has subsisted between us, we can not take leave of you without expressing a lively sense of the obligations we are under for the care and attention with which you have directed our studies. The progress we have made under the many disadvantages which both you and we have had to encounter, must, in a great measure, be owing to your uncommon skill and unwearied diligence. Accept, therefore, sir, our tribute of thanks and be assured that while the vital spark continues to warm our hearts, the name of Mr. Cutler shall be held in grateful remembrance. George Ewing, Jr., Sally Ewing, Rachel Ewing, Abigail Ewing, Hannah H. Ewing, Thomas Ewing, John Brown, Richard Lenox, Samuel Brown, Aphia Brown, Patience Brown, Anna Steine, John Boyles, Eleanor Lenox, Joseph Brown, Martin Boyles, Jane H. Ewing, Abraham Lenox, John Lenox, James Lenox."

means by catching 'coons, and sending their skins to Boston by Samuel Brown, Esq., who expected to go east in a wagon the next summer. Esquire Brown was present and assented to this proposition. Our young men were active hunters; the 'coon skins and other furs were furnished and sent to market, and the books were bought. The Rev. Thaddeus Harris and the Rev. Dr. Manasseh Cutler selected for us about fifty volumes of choice books, and to these additions were made from time to time. As the settlement increased and children grew up, readers were multiplied, and all could have access to the library.

More than fifty young men were trained under these influences and have gone out into the world; some as intelligent farmers, some as successful merchants, others as professional teachers, lawyers, and judges, or ministers of the gospel—and all have been useful and respectable citizens.

Several of the number were educated at the Ohio University; among these was the Hon. Thomas Ewing, who, by his talents and industry, achieved as a lawyer, statesmen, and cabinet officer a national reputation.*

*Another remarkable instance is the Rev. Edward R. Ames, D.D., the late eloquent and distinguished Bishop of the Methodist Episcopal Church.

CHAPTER IV.

TERRITORIAL LEGISLATURE—THE CONVENTION.

In September, 1801, I was elected a member of the territorial legislature for the county of Washington, William R. Putnam, Esquire, being the other member. We were elected to fill vacancies occasioned by the resignation of the Hon. Paul Fearing, who had been elected delegate to Congress, and Colonel Return J. Meigs, Jr., recently appointed a judge of the general court of the territory. We attended the assembly, which commenced its session at Chillicothe on the 23d of November. It was the last session held under elections authorized by the territorial government. I have seen scarcely any notice of the proceedings of this body in any history of Ohio. I think it deserves to be remembered.

The governor's council, or senate, was composed of the following persons: Colonel Robert Oliver,* president; Colonel David Vance; Jacob Burnet, Esq.: Solomon Sibley, Esq.; and General James Findley. The last named, however, did not attend.

Of the house of representatives, Dr. Edward Tiffin†

* Colonel Robert Oliver was of Irish descent. He was born in 1738, in Boston, Mass. He was in the revolutionary army nearly eight years, and served as captain at the siege of Boston in 1775; was major in the Third Massachusetts Regiment in 1777, and was promoted brigade major in 1780, and brevet colonel in 1782. He was distinguished for bravery at the storming of the Hessian intrenchments at Saratoga. He was acting adjutant-general of the northern army, and an excellent disciplinarian. He came to Marietta in 1788, and in 1790 succeeded General Samuel Holden Parsons as one of the directors of the Ohio Company. President Adams appointed him one of the legislative council of the territory, and he was president of that body from 1800 to 1803. He died, May, 1810.

† Dr. Edward Tiffin was born in Carlisle, England, June 19, 1766. At the age of twenty years he came to America and settled at Charles-

was speaker, and John Reily, Esq., clerk. The members were General Thomas Worthington, Major Elias Langham, from Ross; General Nathaniel Massie and General Joseph Darlinton, from Adams; Judge Francis Dunlavy, John Smith, Jeremiah Morrow, Moses Miller, John Ludlow, Daniel Reeder, and Jacob White, from Hamilton; William Rufus Putnam and Ephraim Cutler, from Washington; Zenas Kimberly, Thomas McCune, and John Milligan, from Jefferson; General Edward Paine, from Trumbull; Jonathan Schieffelin, George McDougall, and Colonel Francis Joncaire Chabert, from Wayne. The county of Wayne, of which Detroit was the seat of justice, was detached from Ohio on the formation of the state, and became a part of Indiana Territory, and afterward Michigan.

The public mind, particularly in Hamilton, Ross, and Adams counties, had been inflamed by demagogues especially against Governor St. Clair. There was also an effort made by certain persons to obtain the passage of an act by the legislature asking Congress to pass a law admitting us into the Union. A majority of the citizens of Washington county were decidedly opposed to this movement. Another train of policy was suggested by some of our most able and experienced men. This was to divide the North-west Territory into states, to be composed of territory embracing about two hundred miles square. They were convinced that in the course of time the most of it would be as densely populated as any portion of the United States.

A division of the territory was proposed by making the Scioto and a line to run north to the lake the western boundary of the future eastern state; and a like amount

town, Virginia. M.D. University of Pennsylvania, 1789; removed to Chillicothe, Ohio, 1798; speaker of the territorial legislature, 1799; president of the constitutional convention, 1802; first governor of the State of Ohio, 1803 to 1807; United States senator, 1807 to 1809; appointed by Madison Commissioner of the General Land Office, 1812; and Surveyor-General of the North-west, 1815. Died at Chillicothe, Ohio, August 9, 1829.

of territory, west of that line and river, to form another distinct state. Previous to the passage of the celebrated ordinance for dividing and governing the North-west Territory (1787), an act or ordinance had passed Congress declaring that states formed out of that territory should be made to comprehend a space not to exceed one hundred and fifty miles square.* Such men as the venerable General Putnam, Judge Gilman, and Judge Woodbridge saw clearly that to consider the ordinance of 1787 as a contract binding on the future settlers of the vast North-west Territory to constitute five states only, would deprive the future inhabitants of this region, when it became densely populated, of a just weight in the senate of the United States government.†

Our friends at home had prepared a bill to be presented by some member during the coming session of the legislature, declaring the assent of the territory to such a division as that proposed above with a view to have the action of Congress accord with it, and, of course, a territorial government for each of these described limits.

* It will be seen in the journals of Congress, September 13, 1783 that Virginia made it one of the conditions upon which she yielded her right to the lands north-west of the Ohio, "that the territory so ceded should be laid out and formed into states containing a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit." To this Congress agreed in accepting the cession. April 23, 1784, Congress approved a proposition to make a state east of a line drawn due north from the western cape of the mouth of the Great Kanawha, the territory of the state to lie between that meridian, Lake Erie, the western line of Pennsylvania, and the Ohio river. This state would have been as large as either of the New England states then organized, or as Delaware, New Jersey, or Maryland.

† At a Washington county convention, held in June, 1801, of which a number of the most prominent citizens were members, the following resolution was adopted and sent to their representatives: "*Resolved*, That in our opinion, it would be highly impolitic, and very injurious to the inhabitants of this territory, to enter into a state government at this time. Therefore we, in behalf of our constituents, do request that you will use your best endeavors to prevent, and steadily oppose the adoption of any measures that may be taken for that purpose."

When this bill was presented for the action of the legislature, a violent opposition prevailed for a time in the house; and there was also a clamor raised, and an excitement was gotten up in Chillicothe directed against the governor (St. Clair), and in some measure against Putnam and me. A mob collected and attacked Gregg's house, where the governor, Judges Burnet and Sibley, Colonel Oliver, General Schenk, and the Detroit and Washington county members boarded. A determination was manifested to insult Governor St. Clair and those members who were supposed to be the main supporters of the measure. An entrance was forced into Gregg's house, in the hall of which a citizen of Chillicothe (Michael Baldwin) met and struck Mr. Schieffelin, who immediately drew his dirk, and would assuredly have wounded the man, had not his arm been arrested by some friends who were near. Governor St. Clair came from his chamber, and moved about among the crowd, perfectly calm and collected; but there were none who dared to molest him. He addressed them, and they dispersed without doing many violent acts. A toast, given by Mr. Putnam at a supper party, "May the Scioto lave the borders of two great and flourishing states," seemed to have been used to excite the passions of the mob.

The bill passed the legislature, but was of no avail; it rather caused those desirous of coming into a state to be more vigorous in their efforts.* A number of import-

* The Hon. Dudley Woodbridge writes from Marietta, December 29, 1801, to Judge Cutler: "We yesterday had a meeting to consult on the proper steps to be taken to bring about a division of the territory, or rather to confront the doings of those who are opposed to the resolution of the legislature on that subject. . . . The steps proposed are to send to the city of Washington a map of the territory, and state the utility of the division by letters to our friends in Congress. What measures we shall conclude on I am not certain—thus much is true, we appear all united in the expediency of a division as proposed and shall take such steps as will conduce to bring it about, if possible. . . . We hear that mobs are around you, that you will probably adjourn this session to Cincinnati, this, however, I can not think is true. The present reminds me of Shays and those times."

ant subjects were under discussion during this long session of 1801-2. We (Mr. Putnam and I) were the youngest members of the house, excepting Governor Morrow,* who is a little younger than I am. My inexperience led me to tremble at the responsibilities of the position, but the benefit of associating with, and enjoying the confidence of, such men as Governor St. Clair, Judges Burnet and Sibley, and others with whom we boarded at Gregg's, and who were all exceedingly friendly, was very great. I was encouraged to take an active part in business, and of necessity became accustomed to debate the measures I wished to have adopted, and was placed upon important committees. Governor Worthington, who was appointed by Speaker Tiffin, chairman of the committee of finance (or rather of taxation), having resigned, I was made chairman, and recommended a system of equal taxation, but did not mature the system, only giving the outlines. A kind and gracious Providence continued my life, however, until, 1824-5, when I saw it established as the law of the land. [A reference to the legislative journals shows that Mr. Cutler was appointed on the following committees: Nov. 24th: On "standing committee of propositions and grievances," consisting of Paine, Putnam, Cutler, Scheffelin, and Morrow; chairman of the "standing committee of claims," Cutler, Miller, and Darlington. Nov. 26th. On a committee "to prepare a bill for levying territorial tax on land," Worthington, Massie, and Cutler; chairman of committee "to establish an university in the town of Athens," Cutler and Dunlavy; on a committee "to examine and report on an act establishing and regulating the militia," Paine, Cutler, and Joncaire. Nov. 30th. Chairman of the committee "on the memorial of Sally Mills," referred to Cutler, Dunlavy, Scheffelin, and Miller. Dec. 1st. "Resolution

* Jeremiah Morrow, born at Gettysburg, Pennsylvania, October 6, 1771, came to the North-western Territory in 1795; member of territorial legislature in 1801, and the constitutional convention in 1802; member of Congress from Ohio 1803 to 1813; United States Senator, 1813 to 1819; governor from 1822 to 1826. Afterward state senator and canal commissioner. He died in Warren county, Ohio, March 22, 1852.

granting relief to people on university lands," committed to Cutler and Dunlavy. December 2d. Chairman of committee "to amend an act to encourage the killing of wolves," Cutler and Schieffelin. Dec. 9th. Chairman of committee "to amend an act establishing courts for the trial of small causes," Cutler and Kimberly. Dec. 11th. So much of the petition of citizens of Hamilton county as relates to the extension of magistrates' jurisdiction is referred "to the committee appointed to prepare and bring in a bill to amend an act establishing courts for the trial of small causes." Dec. 9th. "A committee appointed to prepare and bring in a bill to regulate township meetings," Ludlow and Cutler. Jan. 19, 1802. "Memorial of Dudley Woodbridge" referred to Cutler and Putnam.]

Mr. Putnam and I, after we had gained a little assurance (and it took some time to effect that with me), acquired sufficient influence to lead in the principal matters of action in the house, and were able to secure a small majority in all cases of importance. Mr. Putnam had no reason to be abashed, he soon distinguished himself as an able debater. He brought forward several laws of a general nature, which passed, and some of them remain in substance on our statute book. In debate he had no equal in the house. Messrs. Burnet and Sibley were present during an interesting speech which he made, and reported to Governor St. Clair that Putnam would make one of the ablest politicians in the territory.

I have always regarded the circumstances in which I was at that time placed, the associations I then formed, and the useful information I was enabled to treasure up, as having had an important influence in shaping my future destiny in politics. The legislature adjourned January 23, 1802, to meet on the fourth Monday of November, 1802, at Cincinnati. But the territorial legislature was never again convened.

After the close of the session, I visited the city of Washington to see my honored father, then a member of Congress from Massachusetts, and was introduced by him and

Judge Wills, and by our delegate, Mr. Fearing, to a number of the most prominent members of both the political parties in Congress, among whom were Mr. Griswold, of Connecticut, and Mr. Bayard, of Delaware, in the house; Senator Ross, from Pennsylvania, and Senator Morris, from New York, who each made a great speech on the repeal of the Judiciary Act, then an exciting subject.

Governor Worthington* was also in Washington, using his influence to procure an act of Congress for the purpose of bringing us into a state government. It was the first Congress under Jefferson's administration. Worthington succeeded in his object. I was present when the law passed authorizing the citizens of the territory to call a convention to take into consideration the question whether they would form a state constitution.

Some letters written by prominent citizens about this time, having reference to public affairs, are here inserted :

[*Hon. R. J. Meigs, Jr.,† to Judge Cutler.*]

MARIETTA, December 8, 1801.

My Dear Sir:—Yours of the 28th ult. has been received. I must confess that I have no great apprehensions

* Thomas Worthington was born near Charlestown, Virginia, July 16, 1773; removed to North-west Territory in 1798; member of the territorial legislature 1799, and of the constitutional convention 1802; United States Senator in 1803-7, and in 1810-14; governor of Ohio 1814-18; canal commissioner 1822-27. He died in New York City, June 20, 1827.

† Return Jonathan Meigs, Jr., eldest son of Colonel R. J. Meigs, was born in Middletown, Connecticut, in 1765, and graduated at Yale College in 1785. He studied law and was admitted to the bar in his native state. In 1788, he moved to Marietta, where he engaged in the practice of his profession. He was the first postmaster at Marietta, serving from May, 1794, to October, 1795. He was prosecuting attorney of Washington county, under the territorial government, from 1794 to 1798; judge of the Supreme Court of the North-west Territory from 1798 until Ohio became a state. In 1804, he was appointed colonel and commandant of Louisiana Territory, and in 1805, one of its Supreme Judges. In 1807, he was appointed judge of the territory of Michigan. In 1810, he was elected governor of Ohio over General

of evil by going into a state government, because it would be nearly two years before it could come into operation. The several stages of progress to arrive at it: First. Congress would not, probably, pass a law on the subject till March. Second. Our legislature must convene for affixing and apportioning the members of a convention for the formation of a constitution, when the law is made, time of convention determined, the people must have some time to fix their minds on characters suitable for so important a business. Third. The convention meets; some time is spent in its business. Fourth. The *constitution* is promulgated, and must go back to the people for ratification in some mode or other; this done, some time must elapse before the great elective officers for which the constitution shall provide will be chosen, and the day on which the first state legislature will meet the present government will cease.

I have therefore supposed that when all this is accomplished, it will be two years; by that time we shall have more than 60,000 inhabitants and be every way competent for the state government. I am by no means for precipitation on this subject, but for the gradual progress, as before stated. I know we differ, but your constituents

Nathaniel Massie, but was declared ineligible because he had not been a resident of the state for four years prior to the election, as required by the constitution. General Massie did not claim the seat, which was held by Thomas Kirker, Speaker of the Senate, as acting governor until December, 1808. The same winter Colonel Meigs was elected Judge of the Supreme Court of Ohio, and in September, 1809, was chosen United States Senator to fill the unexpired term of John Smith. In 1810, he was elected governor of Ohio, and was re-elected in 1812. He resigned in March, 1814, to accept the Postmaster Generalship in President Madison's cabinet. He held this position also through the administration of President Monroe until, because of failing health, he resigned in 1823. He died in Marietta, March 29, 1825.

The epitaph on his tombstone in the Mound Cemetery is inscribed:
 "To the honored and revered memory of

An ardent patriot,
 A practical statesman,
 An enlightened scholar,
 A dutiful son."

agree with you on this subject. It is impossible for me to approve of the conduct of the governor. The practice of erecting counties is an usurpation; the indiscriminate and too frequent appointments of justices of the peace undignifies government and degrades magistracy. You may depend upon it, sir, that he is no friend to a militia. He calls upon the legislature to repeal the part of militia law which relates to the general officers. I hope the legislature will not. It is true the law should have contained these words: "As soon as Congress, or the executive of the United, shall make the appointments, there shall be major-generals, brevet general, etc." But Mr. Adams did not decline the appointments on account of our law; the governor was so anxious as to send on two similar recommendations (at different times) of his own devoted friends; Governor Harrison made another. The governor argues that a sufficient time has elapsed to know we can do without general officers; and I say for the same sufficiency of time we find we may do without privates, for, till lately, we have had none, notwithstanding the law passed some years ago; and it is not more than six weeks since the militia of Ross have been organized; therefore, his reasoning is fallacious, and, what is worse, founded on his own executive delinquency; for we have had no time to experience whether generals be necessary or not, there having been no militia for want of officers commissioned. The legislature has decided (by the law) by inference that general officers were necessary—if necessary then, more so now; and the necessity will increase in proportion to the population. We know that other militias have general officers, and the people at large know it, and will think less of ours if we have them not.

To repeal the law will be suffocating the germ of military ambition in the young officers, as they must remain stationary, and the prospect of promotion is done away, and changes are necessary to stimulate exertion. (I am convinced of the governor's private reasons.) The law is defective in not providing that the officers of cavalry and artillery should be members of the battalion courts of in-

quiry when they are ordered out as attached to a regiment or battalion on the respective muster days; for their delinquents escape—difficulty occurred at a court of inquiry, and the cavalry and artillery officers were not allowed to sit. A very short law will remedy this defect; and hope your attention to it.

Taxation is a difficult business; to tax cultivated lands in a new country is to tax industry, particularly the industry of clearing. There ought to be a time given for people to redeem lands sold for taxes, by paying to the purchaser the purchase-money, with double or triple interest.

If a division of the territory is to take place, the sooner it is made the better.

I am not a friend to frequent divorces. In the Roman Empire, their frequency loosened the bonds of society. In France it destroyed the private felicity of families, and corrupted the youth of both sexes even to excessive prostitution.

Mrs. —'s case is peculiarly hard, and, as she claims only a partial divorce, I hope she may succeed.

I had feared a turbulent session, but hope for moderation in all things. My compliments to your colleagues.

I am, sir,

Your obedient servant,

R. J. MEIGS, Jr.

* [*Hon. Paul Fearing to Judge Cutler.*]

CITY OF WASHINGTON, *January 18, 1802.*

"*Dear Sir:*—Your Chillicothe agents have arrived, and I wish very much that the other gentlemen that you men-

* Paul Fearing, Esq., was born February 28, 1762, in Wareham, Mass., and graduated at Harvard College, 1785; studied law and was admitted to the bar in Connecticut, 1787. He arrived at Marietta, June 16, 1788, and was the first attorney admitted to practice in the Northwest Territory by the first court held September 2, 1788. In 1800 he was a member of the territorial legislature, and in 1801-2 was delegate in Congress. In 1810 he was appointed a judge of the Court of Common Pleas. His ability, benevolence, frank and genial manners, made him a general favorite. He died August 21, 1822.

tioned were here also, for I really fear that those who are here will make the Democrats think that the object is a fatal stab to Democracy in the territory, and denying it will be but a confirmation ; but if we had some one here in their politics, he could do these ideas all away. The fate of our judiciary is not yet determined, but we are left without hope.

“ I am glad to see in the Ohio Gazette (a paper which Backus patronizes), it is asserted that you make as good a member as the county was able to send, or, rather, I am glad if the saying there be true.

“ Do you think it would be agreeable to the members of your assembly to have two territorial governments, and to remain in the first grade ? A number of the members (of Congress) have spoken to me on that subject, and appear to wish it. Those who own lands there will be interested in such an arrangement, as it will in some measure save a tax on their lands.

“ Since writing the above, the resolution has passed the senate to repeal the judiciary act of last session. I also find that the agents from Chillicothe have influenced several Democratic members very strongly in their cause. Giles for one. If he be able to get the other Demo's, they will be able to carry any thing. I have not time to enlarge.”

Mr. Fearing writes to the same on February 3, 1802 : “ Yours of the 28th of December, was received a few days ago. What has detained many of my letters, I can not tell ; this has been four weeks, or more, coming. You wish me to answer you at Marietta. I wrote my last that way, which, I presume, met you there. It has been impossible here to carry your measures. The Democrats took the business up with great appearance of prepossession, and would hardly give a day before they would decide. The agents pretended they never designed it as a party question. If not, why were the Judges M. and S. so passive ? Why should they not pretend to justify the measure, and not say, “ It was only designed to keep

off the motion for a state government." People situated as they are in the territory, even an indifference would argue they could not justify the measure. But, say the agents, we knew it never would be made a party question, even Mr. Bayard spoke against it. I am willing they should so think. The friends found how it must go, and thought it best to divide, so that they should not particularly think themselves pledged against it, should it again come forward with the assent of the people expressed either by convention or instruction. It may be thought by some that I could have kept it off by not laying the law before Congress; but they were prepared with another copy, and Giles would have introduced it the day when I did, if I had not. I thought it best to do it myself, as, by the rules, I should have been on the select committee in case it was referred to one.

"I think the governor will be removed, every exertion is making, or has been made, for that purpose; but I have heard nothing for a week past. I am sorry the governor has not been a little more cautious in his notes to Justice Finley. Executive direction went, in my opinion, too far. A magistrate must have evidence to bind over, as well as to convict; and he must be his own judge of the weight of the evidence before him, and although from the information I have had, I think the justice ought to have bound over, yet the censure of partiality with which we should brand him, is in some measure lost in the approbation we have to give to his firm resistance of the executive attempt to dictate what he ought to adjudge on evidence. Perhaps the business might appear very different if I was acquainted more particularly with the whole transaction.

"Is it known at Marietta, for what purpose Judge Meigs has lately visited this city? Is it possible he would make so long a journey merely to pay homage to the mammoth man? I am at a loss myself. The judiciary is lost in the Senate, and I fear it will share the same fate in the house. When once the Democratic enthusiasts shall disregard the constitution of our country, I think we have reason to fear, that there will be an entire dis-

solution of our national compact; and the true republicans will have to look for safety in an adherence to each other. But I fear in the convulsions, necessarily attending revolutions, that a greater than a Republican would appear. Some favorite Democrat who has sacrificed the faith, the honor, and the interests of his country to his own popularity will rise up (Bonaparte like) and proclaim equality to all the citizens of his country with the fraternal extension thereof to his neighbors. Then will the free citizen of the republic of his own choice, be at liberty to annul the laws and be duly taxed in such manner as this great favorite of the people shall dictate.

"We have almost arrived at that happy stand now. We have decided majorities who will give their silent vote to carry into effect every hint of their master; and all that is wanting to make us free and happy as their most ardent wishes could express is to have the barrier of the constitution broken down, which so much controls the liberties of our good citizens, whom we have put as our servants to manage our public concerns. And why should those faithful public servants be suspected? Let the old compact then be given up, as a subject fit only for book-worms, and let the statesman and judge attend to such new theories as are more consonant to our liberties and (as Mr. Mason from V. said) have the judiciary as it ought to be, under the check of the sovereign opinion of the people.

"I presume you are tired of the subject by this time, and if you are not, I can tell you that I am and have been for a long time, and my constant prayer to God is, that in His unbounded goodness and power (for some superior power is necessary) He will confuse their counsels, and avert the evils that I fear await us. I have written freely to you and without much examination, and hope you will not expose it. Make my compliments to Mrs. Cutler."

Under date of February 19, 1802, Mr. Fearing writes:

"There has been a committee appointed to inquire into the expediency of bringing us into a state. I expect they will report in favor of it, as it is the order of the day to oppose every thing that looks like government, and the

nearer we approach to a state of nature, the more perfect is our freedom. The House have been for three days in debate on the judiciary, and I expect it will take a week longer. The Jacobins, in their debates, really alarm me. They declare that our judges have no right to adjudge a law unconstitutional, but if the legislature pass an act, it becomes really a law, and that the people and judges must abide by it. If that be the case, our constitution is at an end, and a French convention can do no more than an American Congress."

Dr. Cutler writes from Washington, February 1, 1802:

"The law of your territory providing for a dividing line, so as to form another state, has met with a spirited opposition from Giles and the whole of the reigning majority. Large budgets of petitions and other documents have been laid by this Virginian leader before the House. Mr. Fearing has acted his part well, and has been supported generally by the Federalists; but the subject is exceedingly unpopular, as so many of the sovereign people are opposed to a division, and anxious to make an independent state. The current of opposition to the measure was so strong as to render it impossible to do any thing to counteract it.

"The House were on the point of passing a bill declaring the law unconstitutional, but they were reminded that the laws of your assembly are as independent of Congress as those of any state in the Union. Amendments have been made in the bill, which has not yet passed, declaring the law to be opposed to the principles of the ordinance of Congress forming the government of the North-western Territory. Giles has brought forward a motion the object of which is to encourage and urge the people immediately to become an independent state. It is referred to a committee, who have not yet reported. There are two objects in view; one, to get rid of the expense of paying your governor's salary; and the other, to get two more democratic members from your part of the country into the Senate."

A county convention, consisting of delegates from Marietta, Gallipolis, Belpre, Waterford, Athens, and Zanes-

ville (all then within the bounds of Washington county), was held at Marietta, on the 4th of August, 1802, to select candidates to represent the county in the convention to form a state constitution, which was to meet at Chillicothe the ensuing November.

This county convention nominated General Rufus Putnam, Benjamin Ives Gilman, Ephraim Cutler, and John McIntire.* Another ticket was prepared by the Jeffersonian party, being those who were favorable to assuming a state government, with the names of Return J. Meigs, Jr., Griffin Green, William Skinner, and William Wells. Those named on the first ticket were elected in September over their opponents by about two to one. William R. Putnam and Ephraim Cutler were re-elected to serve two years in the territorial legislature, time of service to commence January 1, 1803, if a state government was not formed.

Previous to the election, the question whether slavery should be admitted into the state was agitated, as well as the policy of at that time coming into a state government.† The election was conducted with some feeling, and considerable excitement existed, occasioned in a meas-

*John McIntire was a man of good sense and sound judgment. He was a member of the constitutional convention in 1802. He, with Jonathan Zane, owned the section of land upon which the town of Zanesville was laid out; and he kept the first tavern in that place. Mr. McIntire was an enterprising, successful business man, and became wealthy. After making ample provision for his wife and daughter, at his death, in 1815, he gave, for the education of poor children in Zanesville, a sum which yields annually eight thousand dollars for that purpose.

† August 8, 1802, Jehial Gregory wrote from Athens, Ohio, to Hon. R. J. Meigs, Jr., at Marietta:

"We have hot times about slavery and Republicanism. News is spreading here that you want such a system adopted. Mr. Cutler told Major Abbot that it was so, and urged him by no means to vote for you. Others from Federal creek spare no pains in spreading the report: even Mr. Pugsley, the Baptist preacher, blows it with as much energy as an Irishman would a bagpipe. . . . I will spare no pains in detecting the Federal villainy; the party is weak here, but d——d saucy."

ure by the sudden change of politics of Judge Meigs, who, from being a decided Federalist, became a zealous Democrat. Our opponents openly advocated the admission of slavery, and also the acceptance of the propositions in the act of Congress without qualification. We, and the friends who supported us, on the contrary, rejected slavery, and thought it would be safer and wiser to wait until the population had become more numerous, and had overcome some of the difficulties attending the early settlements, before burdening themselves with a great additional expense in supporting a state government. We believed by deferring the movement a few years we might be admitted on much more favorable terms.

I had that autumn a drove of cattle to dispose of, which took me to Moorfield, on the south branch of the Potomac, and I did not get back until the last of October. I found Messrs. Putnam and Gilman had gone on to Chillicothe. I met at Marietta John W. Browne. He was an Englishman, and after being elected a member of the convention for Hamilton county, came to Marietta and appeared before the judges of the superior court, then in session, and took the oath of allegiance, and thus became a citizen of the United States. I traveled in company with him to Chillicothe, spending but a single night at home. After leaving my house at Ames, we went the first day to Logan, and stopped at Mr. Westnhavor's, a German, who, with three or four others, had recently taken up the old Indian corn-field and begun a settlement at that place. At that time, there was no person living on the Hocking river between the mouth of Sunday creek and Westnhavor's, a distance of more than twenty miles. When Westnhavor came out to meet us, Mr. Browne, who was by profession an Independent minister, asked him if he did not want preaching there that night; and after supper the several families came in, and he delivered a good orthodox sermon. . . . The next day we wended our way through the wilderness, in a narrow pack-horse track, leading by the Falls of Hocking, then up Scott's creek, and on to Adelphi, where we found a Mr. Wills settled,

who was able to give our horses a feed of grain. We then pursued a more comfortable path to Chillicothe, where we arrived on the morning of the second day of November.

After the convention was organized by appointing Dr. Edward Tiffin president and Judge Thomas Scott secretary, the first question to be decided was, "Is it now expedient to form a constitution and state government!" As we went to the court-house, where the convention met, on the morning after my arrival, Mr. Gilman mentioned to me that General Putnam and Mr. Bazaleel Wells thought that when the question should come up we had better all vote with the yeas. I told him it would be inconsistent for me to vote thus. Of course, when the question was put, I said *No*, and found myself "solitary and alone," but was not dismayed, being certain that I was expressing the will of my constituents, as well as complying with my own judgment and convictions of duty. My colleagues held the same views respecting the true policy that the convention should have adopted, but believed that they would obtain a greater influence in the future proceedings by taking the course they did.*

* Judge Cutler writes to his father: "You have no doubt seen by the papers that the vote for accepting the law of Congress, and proceeding immediately to form a state government, passed by a majority of thirty-two to one; this *one*, sir, was simply *me*; and I do think it a favorable circumstance, to have had the opportunity to place my feeble testimony against so wicked and tyrannical a proceeding—although I stand alone."

The Hon. Jacob Burnet, in a letter to Judge Cutler from Cincinnati, September 26, 1847, writes: "I have often sought in vain for the reasons which induced your colleagues to desert you on the important preliminary question, 'Is it expedient *now* to form a state constitution?' on which your solitary negation stands recorded, as a proof that on that trying occasion you dared to do your duty, at the expense of your popularity. They (your colleagues) were consistent Whigs, and until that hour had been decidedly of the opinion that it was premature, then, to abandon the ordinance and form a state government. They were also of opinion that the conditions imposed by Congress would be greatly injurious to the people, as has been the case.

"I have forced myself to believe that they were not influenced by

The whole number of members, including the president, was thirty-five. There was some management to obtain a decided majority to coincide with the views of the Jeffersonian party, whose policy would have fixed much of the old Virginia constitution, and what they called limited slavery, upon the state.

Judge Byrd, who was secretary of the territory, was at the commencement of the session looked to by that party as the one to draft the constitution. He happily approved of the Tennessee constitution, which was the most recent one to which we had access. This met the entire approbation of those of us of whom it was slanderously said, that we wished a strong, aristocratic government. In all our more private consultations, we expressed an earnest desire to give our labors, in their results, a strong democratic tendency.

I was surprised to find Mr. Wells so cordial with General Putnam and Mr. Gilman, and was astonished at the course of Governor Huntington.* We all boarded at Gregg's, and had one common room, where, of course, there was, or ought to have been, perfect freedom in expressing our thoughts. Huntington was, however, often absent from our room.

We Federalists were desirous of establishing as perfect a republican system as we were capable of forming, giving

popular motives, but by such as were entirely satisfactory to themselves; yet I must say that, like yourself, I saw nothing after the meeting of the convention calculated to change the opinion on that subject which they had previously formed and warmly defended. My surprise at the result of that vote was great, and to the present day the subject never recurs to my mind unaccompanied with painful feelings."

* Samuel Huntington, born in Coventry, Connecticut, October 4, 1765; graduated at Yale College, 1785; admitted to the bar, 1793; removed to Painesville, Ohio, 1800; member of the convention that formed the constitution of the state in 1802; speaker of the senate in the first state legislature; judge of the superior court, 1803; and afterward chief-justice; governor of Ohio, 1808-10; member of the legislature, 1811-12; pay-master in the War of 1812, with rank of colonel. Died June 8, 1817.

as complete individual freedom as was possible. We wished to encourage democracy, by having townships to manage local business; and to encourage schools and education, by providing that it should be imperative on the legislature to make laws for that purpose; and that all should enjoy perfect religious freedom, as their consciences should dictate. I very much doubt whether any of the members of the convention were, at the conclusion, better, if so well, pleased with the result of our labors, as General Putnam and Messrs. Gilman and Wells.

Party divisions, as respects Federalists and Democrats, were not prominent. In no case were they so strong as in discussing the first report of the committee appointed to prepare the judiciary system. This committee (appointed November 9th) consisted of fifteen members. They were: Byrd, Paul, Smith, Gatch, Darlington, Kirker, Massie, Worthington, Carpenter, Putnam, Gilman, Milligan, Wells, Caldwell, and Huntington; of whom eight were natives of Virginia. The judiciary, or third article, as prepared, was from the pen of Judge Byrd, and was a copy of the Virginia code as then practiced, and the leading members evidently wished to give it that cast. It left the final decision of all cases of considerable moment, by appeal from the lower courts, to be adjudged by a general court to sit at the capital of the state, and nowhere else—this in the last resort was to be the end of all lawsuits. Efforts were made by Mr. Wells, Mr. Gilman, and General Putnam, who were members of the committee, to amend the article by suggesting that the supreme or general court, as it was termed, should sit in districts, and a district system was proposed. Several days were spent in the discussion without effecting any material change.

On motion to amend there were usually ten yeas and twenty-four nays; and always the same persons; there was, in fact, a strong vote in favor of the article as reported, and it passed on until the third reading. At this stage, Wells and Gilman urged me to oppose the whole article. I spent a few minutes in raising objections, and stated that the people would look for a system as con-

venient and inexpensive as the circumstances of the country would permit. I was interrupted by Judge Byrd, who sneeringly observed, that "the gentleman from Washington was not pleased with the article; and he should be glad to hear what would please him." This raised my Yankee feeling. I bowed and said: "I would try to gratify him. I thought it the duty of the convention, and a wise policy, to provide a mode of administering justice that would bring it as near every man's door as was practicable; to the poor man equally with the rich. By the system proposed, a man, living at a distance from the court where the final decision was made, might be deprived of justice because he could not command the means to meet his more wealthy antagonist; it was taking it as far as possible." I then gave in detail substantially the article as it stands in the constitution. On my sitting down Mr. Byrd called hastily for the question, which President Tiffin as hastily put. There was no call for ayes and noes. A few voices were raised among the ayes, a number said nothing, and we, as usual, in a peaceful, mild way said no; and the president said "the ayes have it."

The rules of the convention provided that each article should be treated in its passage as a separate bill is in legislative proceedings, and have three several readings before its final passage; when it was subject to be amended by way of rider. Judge Byrd then rose and proposed a day for the last reading, and final passage, which was adopted; and we, Federalists, gave up the idea of any further attempt to change it.

But the heaven was working. On reflection, a number of the members of the convention changed their views, and the evening before the day set for the last reading of the article, as I was coming out of the court-house after the convention had adjourned for the day, Judge Dunlavy took me aside and asked me to come to his quarters after supper, and that I would hear something important respecting the judiciary article. It was decided at supper that Mr. Gilman and I should immediately attend to this

call. Judge Dunlavy and seven others were boarding at Lamb's, and had a spacious common room. As soon as Mr. Gilman and I entered, the judge locked the door; and Mr. Wilson, an aged man, a member from Hamilton, addressed me as follows: "Mr. Cutler, were you in earnest when you gave in detail a judiciary article which you said would please you?" Oh! yes, sir. "Well," said he, "will the ten who generally vote with you support it if it is again brought before the convention?" Please to ask Mr. Gilman. Mr. Gilman answered, "I think they would." "Well, then, sir, here are eight of us who pledge ourselves to support your plan, if you and Judge Dunlavy will put it in form so that it may be introduced, by way of rider, to-morrow morning, on the last reading of the article." Judge Dunlavy then said, "We have no time to spare. Where can we best commence our labor?" I answered, I think at Mr. John Reily's* chamber. Mr. Reily and Mr. Goforth boarded together a little out of town. We immediately repaired thither; and as we agreed upon a section, Mr. Reily copied section one, Mr. Gilman section two, and so on alternately; and a little

* John Reily, born in Chester county, Pennsylvania, April 10, 1763; removed when young with his parents to Stanton, Virginia; enlisted in the Revolutionary army at the age of seventeen years, and served at the South, under General Greene, in the battles of Guilford Court-house, Camden, Ninety-six, and the brilliant action at Eutaw Springs, where he was distinguished for bravery and good conduct. After the war he went to Kentucky, and in 1789, to the North-west Territory, where he taught school in Hamilton county, and shared the dangers and struggles of the Indian war. In 1799, he was appointed clerk of the first Territorial Legislature, and served in that capacity while that form of government continued; and in 1802, was a member of the convention that formed the first constitution of Ohio. He made his home in Hamilton, Butler county, where he served as clerk of the Court of Common Pleas for thirty-seven years; and of the Supreme Court of Ohio thirty-nine years; and was twenty-eight years postmaster at Hamilton. He was appointed a member of the first Board of Trustees of Miami University in 1809, and was an efficient member until he resigned in 1840 on account of advanced age. In these and other offices he held he was remarkable for system, accuracy, honesty, and punctuality. He died June 8, 1850, aged 87 years.

after twelve o'clock we had completed our task. Judge Dunlavy took the seven sections copied by Mr. Reily; and I the seven by Mr. Gilman.

The next morning, as soon as the convention began the business of the day, Judge Byrd called for the reading and final passage of the judiciary article. Then Judge Dunlavy moved to strike out the first section, and stated that he held in his hand a substitute, which he read. Byrd appeared struck with astonishment, and attempted to lash Dunlavy for inconsistency; he said that Dunlavy had voted against every amendment proposed at the former readings, etc. As preconcerted, no reply was made, and I seconded the motion of Dunlavy, and it was decided in the affirmative. I then introduced section second, and on the like motion, that section was adopted by an increased majority, Mr. Smith, one of the ablest men they had, coming over to us. At the close, and final passage, the ayes were twenty-four, and noes ten. Thus, within three hours after the convention met that morning, it became the third article of the constitution without changing a word.*

This took place late in the session, but the unexpected result completely revolutionized our body. General Putnam and Messrs. Gilman and Wells, after this, were listened to with respectful attention by those who had before manifested something bordering upon contempt. In

* In a letter written to Ephraim Cutler, and dated "Hamilton, April 19, 1842," Mr. John Reily says: "With respect to the convention which framed the constitution of the State of Ohio, you will recollect that we had more difficulty and disputation on the third article than on any other part. That article, with others, had been reported at an early day of the session; but not meeting with the views of a majority of the members, it had been referred to special committees, who had made modifications and reported. The modifications, however, not being satisfactory, could not be adopted. This caused the meeting of the few members of whom you have made mention. We met, consulted on the subject, and prepared a draft, which was presented and finally adopted either as presented or with very slight modifications. This, as well as I can recollect, was the manner in which the third article of the constitution was finally framed and adopted."

one instance, a member had denounced General Putnam as an enemy to his country!

The eighth article, or bill of rights, as it is called, was committed, on the fourth day of the session, to Goforth, Dunlavy, Browne, Baldwin, Grubb, Woods, Updegraff, Cutler, and Donalson. A hasty report was made upon it, which was afterward withdrawn; and the committee was directed to consider it, their duty to report it as the eighth article.

We met at President Tiffin's by special invitation. Our chairman, Mr. Browne, produced and read the first section, which was agreed to without objection. An exciting subject was, of course, immediately brought before this committee—the subject of admitting or excluding slavery. Mr. Browne proposed a section, which defined the subject thus: “No person shall be held in slavery, if a male, after he is thirty-five years of age; or a female, after twenty-five years of age.” The handwriting, I had no doubt, was Mr. Jefferson's. I had a conversation with Governor Worthington at Washington City, at the time that Congress passed the law authorizing the convention; and he informed me that he (Jefferson) had expressed to him that such, or a similar article, might be introduced into the convention; and that he hoped there would not be any effort made for any thing farther for the exclusion of slavery from the state, as it would operate against the interests of those who wished to emigrate from the slave states to Ohio.

I observed to the committee that those who had elected me to represent them there were very desirous to have this matter clearly understood, and I must move to have the section laid on the table until our next meeting; and to avoid any warmth of feeling, I hoped that each member of the committee would prepare a section which should express his views fully on this important subject.

The committee met the next morning, and I was called upon for what I had proposed the last meeting. I then read to them the second section, as it now stands in the

constitution.* Mr. Browne observed that what he had introduced was thought by the greatest men in the Nation to be, if established in our constitution, obtaining a great step toward a general emancipation of slavery, and was greatly to be preferred to what I had offered.†

*Article VIII, Section 2. "There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person, arrived at the age of eighteen years, be held to serve any person as a servant, under pretense of indenture, or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received, or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the state, or if made in the state, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships."

† In a letter to W. P. Cutler, dated "Cincinnati, January 5, 1854," the Hon. A. H. Lewis, member of the Ohio Senate, 1846-7, writes: "In answer to your note of the 31st inst., I state that in the winter of 1846-7, as I think, I had several conversations with the late Governor Jeremiah Morrow, who was then at Columbus. These related in a considerable degree to the early history of Ohio, the convention that formed the state constitution of 1802, and the character of many of the leading men of the period. I had then just read very attentively the journals of that convention, and being interested in the subject, sought to elicit from him such reminiscences as he had in relation to those points. In one of these he stated that when he went to Washington as a member of Congress, in 1803, he visited Mr. Jefferson; that their conversation turned upon the then new constitution of Ohio; that Mr. Jefferson commended it highly in its main features, but thought that the convention had misjudged in some particulars. One of these was in the structure of the judiciary, which Mr. J. thought was too restricted by the constitution for the *future wants* of the state, using, in this connection, the expression 'they had *legislated* too much.' Another was in the exclusion of slavery. Mr. Jefferson thought 'it would have been more judicious to have admitted slavery for a limited period,' 'an opinion,' added Governor Morrow, 'in which I did not concur.' This statement of the conversation with Mr. Jefferson was much more full and minute, but, as I have not by me the memoranda I made at the time, I can give only the substance. This, I am sure, is correct.

"I do not recollect that he told me the fact mentioned by you re-

I then, at some length, urged the adoption of what I had prepared, and dwelt with energy on the fact that the Ordinance of 1787 was strictly a matter of compact, and that we were bound either to pass it (the section excluding slavery) or leave it, which I contended would be the law, if not so defined by our own action. Mr. Baldwin, the only practicing lawyer on the committee, said that he agreed with me that the ordinance was, in its legal aspect, a compact; and, although many of his constituents would prefer to have slavery continue in a modified form, he would vote in favor of the section as I had reported it. Mr. Browne, who was chairman of the committee, then called the ayes and nays, and his report was negatived, and mine adopted, the ayes being Baldwin, Dunlavy, Cutler, Goforth, and Updegraff; nays, Browne, Donalson, Grubb, and Woods. Several efforts were made to weaken or obscure the sense of the section on its passage, but the Jeffersonian version met with fewer friends than I expected.

On one occasion, when it was before the committee of the whole convention, a material change was introduced. I was unwell, and did not attend that day. General Putnam, when he came into our chamber after this occurrence, exclaimed, in an earnest manner, "Cutler, you must get well, be in your place, or you will lose your favorite measure." Mr. Gilman said he "would rather lose all we had gained than lose that."

I went to the convention and moved to strike out the obnoxious matter, and made my objections as forcible as I was able. Mr. McIntire was absent that day, so there would be a tie, unless we could bring over one more. Mr. Milligan had, in the territorial legislature, spoken against slavery, but in the convention had voted with the Virginia

specting the *section* believed to have been drawn by Jefferson's own hand, but am inclined to think I was informed of it by yourself.

"There is no impropriety, I think, in my repeating these statements. Governor Morrow understood the inquiries which I made of him as being, if I may so say, directed to 'the truth of history,' and that I should use this information if I saw proper. If you think so, you have the same liberty."

party. In the course of my remarks, I happened to catch his eye, and the very language he had used in debating the question occurred to me. I put it home to him, and when the vote was called Mr. Milligan changed his vote, and we succeeded in placing the section in its original form. It cost me every effort I was capable of making, and it passed by a majority of one vote only. Thus an overruling Providence, by His wisdom, makes use of the weak often to defeat the purposes of the wise and great of this world; and to His name be the glory and praise.

The committee appeared to look to me after these occurrences to fill up the balance of the eighth article;* and I prepared and introduced all that part which relates to slavery, religion, and schools or education.† Although that which relates to schools was mandatory on the future legislatures, nothing was done by any legislature until I became a member in 1819–20, nor any thing effecting much good until the session of 1824–5, which was the last session I ever served the state in a legislative capacity.

That part of the eighth article which relates to proceedings at law, was prepared by Mr. Baldwin.

* Article VIII, sec. 3. "That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of conscience; that no human authority can in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent, and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience."

† In a letter written to Ephraim Cutler by Mr. Israel Donalson, a member of the convention, dated at "Manchester, 20th December, 1841," is the following P. S.: "At the special request of our friend (Rev. Mr. Burgess), I state a perfect recollection of the eighth article of our constitution, which at the time met my approbation, and which you had the honor of introducing. Israel Donalson."

Before the second article of the constitution, which defines the power of the executive, came to its final passage, Governor Morrow made an effort to introduce the veto power, similar to that which is in the constitution of Pennsylvania. This seemed to please the radical Democrats, and I think laid the foundation of his future popularity. Strange as this may appear, it is not uncommon with that party to support with the greatest zeal very strong, aristocratic doctrines. If I remember right, Mr. Gilman and Mr. Wells opposed this innovation. I think it came near being carried.

There was also considerable debate, when the seventh article was introduced, on the third section, which relates to the limitation of counties. At one time the minimum was fixed by vote at 567 square miles, but Governor Huntington brought forward the plea, that the townships in New Connecticut were all five miles square, and sixteen of them would make a convenient size for counties in that part of the state, and moved to strike out 567 and insert 400. This was agreeable to those who had county-seats in contemplation, and was adopted. But public sentiment was then in favor of counties of a larger size.

A committee of nine members, one from each county represented in the convention, was chosen to take into consideration the propositions made by Congress to the convention for their acceptance or rejection. The report of this select committee was disagreed to by the committee of the whole convention, and it was re-committed to Putnam, Smith, Huntington, Massie, and Wells. During the discussions upon the question whether the propositions made to us by Congress should be accepted, General Putnam made the great speech of the session.

He claimed that we, by acting under the law for then assuming a state government, had shown a submissive spirit. He forcibly and clearly pointed out that surrendering the undoubted right to tax lands sold by Congress as soon as entered, without having some compensation, was placing a very heavy burden on the present inhabit-

ants, who, at great sacrifice, had already brought these lands into market. His facts were well stated, and his reasoning was logical, and had its effect.

A majority of the members, as could be well understood by casual remarks and conversations, had determined to swallow down the whole of the propositions without any modification. A lively interest was exhibited by the people, and the court-house was crowded, and when the yeas and nays were called and resulted, yeas, 16, and nays, 17, a considerable evidence of popular applause was audibly expressed. After the vote was taken, those members who had voted in favor, signified their entire satisfaction in the result. The convention then proceeded to make propositions on their part, which were accepted by Congress.

I made an effort, without success, to have the constitution submitted for acceptance to a vote of the people. I said to the convention that "I deemed it of primary importance that the people of this territory should have some opportunity of declaring their assent to or dissent from this instrument before it became binding on them, for I was clear that, though the constitution should be the most perfect—formed with wisdom superior to any thing of the kind that had yet appeared—many would be dissatisfied with it. And the dissatisfaction would be increased by the fact that the authority under which we acted had not, unless we called in the aid of the doctrine of implication, been derived from the people who were to receive the benefits, or abide the evils we were preparing for them. Would there not be room for much distrust and jealousy if we forced upon our constituents a government which never came before them for their approval? By adopting the resolution to submit the constitution to a vote of the people the mouths of the clamorous would be stopped, and the minds of the judicious satisfied. To the objections that it would occasion delay, and additional expense, I urged that the time for the coming into operation of the state government would not be greatly procrastinated; two months would probably be found sufficient to answer the purpose proposed, and as to expense, if harmony was thus secured, it would be

a cheap purchase. The vote of twenty-seven against seven * shows that the majority were in "mad haste" to consummate the change in the form of government. Office was their aim, and they were gratified.

The settlement of the West, connected with the bringing into existence the great state of Ohio, may be considered an epoch in the history of our common country. The opinions and actions of the founders of states enter into and influence their future course, and do much toward determining their character. We owe it to them to leave on record their worthy deeds. Nothing is better calculated to excite to noble actions than to preserve from oblivion the memory of those whose efforts have placed our country in the high position already attained in the short period since we became a nation, and it is as well to preserve as much as possible of that which adorns the character of those who laid the foundation of law, and order, and peace, in the great West.

The scant courtesy which Governor St. Clair received at the hands of the convention, at the beginning of the session, on the occasion of his address to them, was keenly felt by his friends. His course, however, was dignified and conciliatory.

He was at this time not far from seventy years of age, about five feet ten inches in height, neither spare nor corpulent. His hair had become white, his features, strongly marked, were lighted up by bright blue eyes, which still retained their brilliancy. His manners were at once polished and dignified, and his conversational powers were remarkably fine. Though not without fault, his clear head, his marked talents, his great and varied knowledge, and his public services, placed him in the front rank of the eminent men of his day. He had been educated a Presbyterian, and did not partake of the infidelity then prevalent, but always spoke of religion and the Bible

* Those who were in favor of submitting the constitution to the people were: Messrs. Cutler, Gilman, McIntire, and Putnam, of Washington county; Bazaleel Wells and Nathan Updegraff, of Jefferson county, and John Reily, of Hamilton county.

with profound respect. Being comparatively young when I first became acquainted with Governor St. Clair, I have ever felt that I owed much to his influence. After the close of the convention, the opposition to him increased, and he was removed from office, even before the state government came into operation.

No man in the territory more entirely deserved and enjoyed the respect and confidence of the people than General Rufus Putnam. He had with General Tupper originated the idea of the Ohio Company, and had been selected as the leader and superintendent of the colony who made the first settlement at Marietta, a position for which he was well fitted by his good judgment, intelligence, and decision of character. He had served as a private soldier in the Old French War, and also, with great distinction, throughout the Revolution, as a military engineer, and as an officer. He was made a brigadier-general near the close of the war. President Washington commissioned him, in 1792, a judge of the supreme court of the territory, and in 1796 the surveyor-general of the United States. He was faithful and energetic, a Christian as well as a patriot. He, too, a few months after the close of the convention, was deprived of his office by the same spirit of proscription which had led to the removal of St. Clair as governor.

Benjamin Ives Gilman was a native of Exeter, New Hampshire. He, with his father, Judge Joseph Gilman, came to Marietta in 1789. During the Indian War he had some narrow escapes from the rifle and tomahawk of the savages. In 1802 he has largely engaged in mercantile business and ship-building at Marietta. Mr. Gilman was a man possessed of a well cultivated and superior intellect, and correct principles, and in physical development was a most perfect type of manly beauty and dignity. With quick and clear perceptions, and enlarged views, he was one of the most useful and active members of the convention.

No member of the convention was more generally re-

spected than Mr. Bazaleel Wells.* He was a truly noble man, well informed, collected, and dignified in appearance. Although he was born in a slave-state, and many of his family connections were slave-owners, his vote and influence always went against slavery. There are few men who, in the heat of debate, may not say some things they shall wish unsaid, but it was not so with him; his mind was so well balanced, that he was at all times clear, calm, and candid in his statements.

The scantiness of detail in the journal leaves much obscure as to the proceedings of the convention, and much unsaid of the part taken by such men as Reily, Smith, Dunlavy, and other men of talent and intelligence, which, if known, would increase respect for them, and whose labors for the public interest should be remembered.

Dr. Cutler writes from Washington, December 26, 1802: "Your very humble address and new constitution have been laid before Congress and printed. Some parts of your constitution are very good, some parts I do not like, and some parts I am unable to understand. What will be done with the propositions you offer for the acceptance of Congress I can give no opinion. All depends on the dispositions of the leaders. You have so humbly submitted to the right which Congress has exercised in making laws for you, should they reject your proposals, you have no ground to complain."

* Bazaleel Wells, with Hon. James Ross, of Pennsylvania, laid out Steubenville, Ohio, in 1798. He introduced merino sheep into the state, very early, and established in 1814 a woollen manufactory in the town, which laid the foundation of the extensive manufactures of that place. He was at one time considered the most wealthy person in eastern Ohio, but afterward met with reverses.—Howe's History of Ohio.

CHAPTER V.

(1803-1812.)

SURVEYING—REMOVAL TO WARREN—DROVING—A DIARY—
WAR OF 1812.

To return to personal matters. In July, 1803, I obtained from General Putnam, then Surveyor-General of the United States, a contract for surveying public lands in the so-called Military Tract, mostly in Guernsey county, on Wills's creek, west of Cambridge; all of it then an entire wilderness, except two or three beginnings of farms on Zane's road. I was about three months performing this labor, subdividing into half and quarter sections, and was allowed at the rate of three dollars per mile for every mile actually run out with the compass and measured by the chain, as compensation for the whole expense of the survey. When I had completed the work, and made returns of plats and descriptions to the land office at Zanesville, and to the Surveyor-General's office, I received for my pay an order for one thousand two hundred and fifty dollars on General Findley,* receiver of the land office at Chillicothe. In riding through the woods, I got badly hurt by my horse passing under a leaning tree, and was for some time unable to leave home. A friend then living at Chillicothe came to see me, and I intrusted the order to

* General James Findley, soldier and politician, was born in Franklin county, Pennsylvania, about 1775, and died at Cincinnati, Ohio, December 28, 1835. He emigrated to Cincinnati in 1793, and was one of the legislative council of the territory in 1798. He was receiver of public moneys in Cincinnati district from the first establishment of land offices until 1824. He was a prominent Democratic leader, and often a member of the legislature, and was also colonel of the Second Ohio Volunteers in 1812, serving under General Hull, at Detroit. Member of Congress, 1825-1833; candidate for governor in 1834.

him, to draw the money from General Findley for me. At that time, John Jacob Astor had agents purchasing skins and furs throughout the country. My friend, instead of transacting the business himself, let a person who was engaged in a bear-skin speculation take the order and draw the money. This person kept nine hundred dollars of it, which he expended in the purchase of bear-skins and furs. These he put into a boat, and proceeded with them to New Orleans, and thence by sea to Boston, where he spent the avails in dissipation. The loss of this hardly-earned money was a serious disappointment to me.

At the first session of the legislature, I believe, after the constitution was operative, it was considered necessary by the dominant party to re-organize the militia. This was effected by carrying out an ill-digested law passed at that time. There was an election in 1804 for a brigadier-general of the first brigade of the third division of the Ohio militia. At a meeting of the field and company officers of the second regiment of that brigade, in which I was major,* it was almost unanimously resolved to consider me as their candidate for that office. The officers in Washington county gave me at the election nineteen majority. Muskingum and Belmont counties also belonged to the brigade. In the latter county, twelve officers who would have voted for me were prevented from doing so by the secrecy with which the election was conducted, they not having any notice of the time when, or the place where, it was held. Notwithstanding the means used to defeat my election, I had a clear majority of five votes in the brigade, and yet the major-general returned my opponent, E. W. Tupper, as elected, and Governor Tiffin commissioned him! Democracy was in the ascendant, and I soon found myself nothing in the political drama but simply the justice of the peace for Ames township. As I had, during a very important period of my life, performed the

* The commission of Governor St. Clair to Ephraim Cutler, as major of the second regiment, bears date June 13, 1801.

most of my official duties without a cent of compensation, I regarded it as a relief from an intolerable burden.

I was necessarily much of the time away from home, and, as a matter of course, an unusual amount of care had devolved upon Mrs. Cutler. She had a talent for looking after and taking care of business superior to any other woman I ever saw. Her health was generally good until 1804, when it declined, and the following year decided symptoms of consumption were manifested. We had lived on my Federal creek farm nearly eight years, and had made considerable improvements, when the hope of benefiting Mrs. Cutler, by removing where we could secure the advice and care of a physician, induced me to lease my farm and go to Belpre.* The distance was twenty-seven miles, but it took us three days to accomplish it, over the rough road which led through the forest to Marietta. This road, however, we left at Esquire Samuel Brown's, eight miles west of Marietta, and cut our way through the woods, over high hills and across creeks, for five miles, to the bank of the Ohio river, and arrived about sunset, December 28, 1806, at the house of Mr. Elias Newton, where we remained until the frame (which I had bought) of a building prepared for a mill, and then lying on the bottom a mile or two up the river, was hauled down to my land, raised, covered, inclosed, and fitted up for our temporary residence.

I had purchased of General Smith, of Baltimore (in connection with Judge Fearing and Major Sproat), a share of land drawn in the name of J. Mercer. I retained

* About this time, General Putnam wrote to a friend: "Major Cutler is among my particular friends. . . . He deals considerably in lands, cattle, and horses, and probably finds his advantage in it. The beginning of winter, I understand, he had seventy head of neat cattle, seventeen horses, mares, and colts to winter. For several summers past, I believe they have milked from twelve to fifteen cows. In the few years he has been on his farm, he has made very great improvements, much beyond any other man in his neighborhood. He has lately leased his farm for three years, and has settled on the Ohio, about six miles below Marietta."

for my own use the one hundred and sixty acre lot, on the Ohio, six miles below Marietta, and added to it several small lots lying near. Here I proposed to make my home, and that winter cleared a place for the stone house, the foundations of which were laid the next spring.

The winter of 1806-7 was very cold, followed by a rainy, late spring, and the river overflowed the low bottom lands two or three times. The succeeding summer, the whole region was visited by a general sickness—agues and remittent fevers—and we suffered with others. During the autumn, Mrs. Cutler's* health rapidly declined, and, on the 3d of November, she gave up her pure spirit to her blessed Redeemer. Her last words were: "All is glorious," and a glow of supreme pleasure continued visible on her face long after death had done its office. At that time, my brother, Temple Cutler, was here on his first visit to Ohio, and was about returning on horseback to Massachusetts. I decided to send with him, to the care of my parents, my youngest son, Daniel, not yet nine years old. I furnished him with a fine horse, and the journey was completed in twenty days. He remained there until 1816, when he returned to the west.

The first settlement of this place, afterward organized as Warren township, was made as early as 1799, and was called Nogle-town, for one of the original settlers. It was located on reserved Congress section No. 8, and consisted of a row of log cabins on the bank of the river, and did not present an inviting appearance, as those who occupied them were not owners of the soil, and made only temporary improvements. Except Section No. 8, the good bottom lands were nearly all surveyed into eight-acre lots, and belonged to shares in the Ohio Company, and were

* Mrs. Leah Cutler died at the age of forty-two years. She united with the Congregational Church, in Marietta, March 30, 1806. General R. Putnam, in a letter to Dr. M. Cutler, dated March 17, 1807, writes: "Mrs. Cutler is not only esteemed an excellent woman, but also a pious, sensible Christian. She made a profession of religion about a year ago, and in her examination discovered such experimental, as well as doctrinal knowledge, as gave great satisfaction."

owned by persons living at a distance, some even in Europe. It was very difficult to obtain enough of these small lots lying together to make a farm of convenient size, and on this account, although they comprised some of the finest land in the township, men of property were not inclined to settle on them. Much of the land back from the river was owned by non-resident proprietors, and long continued uncultivated. From these circumstances, settlement progressed slowly. In the years 1804 and 1805, Mr. Elias Newton, Mr. Seth Bailey, Mr. William Smith, Mr. John Cole, and his sons, purchased land, and commenced improvements. Most of them erected neat frame houses on their farms; the frames and lumber for these were brought in rafts from the headwaters of the Ohio. In 1806, Mr. John Henry came with his family, and in the same year Congress section No. 8, which makes perhaps the best farm in the township, was bought and taken possession of by Isaac Humphreys, Esq.

In January, 1807, the following persons, with their families, composed the population of the territory, afterward included in the boundaries of Warren, viz: John Cole, and his sons, Nathan, Ichabod, Asa, and Philip; Willard Harris, Thomas Patten, J. Harden, Ezekiel Finch, William Hutchinson, Isaac Humphreys, Seth Bailey, Timothy Cone, Elias Newton, William Smith, John Henry, Samuel Brown, Gideon Rathbun, Jonathan Dunham, Amos Dunham, and Ephraim Cutler. As the number of inhabitants increased, we petitioned the county commissioners to establish us a township for political purposes. This petition was granted September 3, 1810; and the township was incorporated by the name of Warren, to keep in remembrance the services and sacrifice of that eminent man, General Joseph Warren, who was slain at the memorable battle of Bunker's Hill. That part of Warren which is in township No. 2 of the 9th range, was originally in Marietta; the remainder was included in Belpre.

My new place, on the bank of the Ohio, with the exception of about ten acres which had been cleared on two of the small lots, was in its wild state, the rich bottom be-

ing covered with a heavy growth of walnut, maple, and beech, very expensive to remove, and money was exceedingly scarce. The building of the stone house cost more than I expected. It absorbed all my means, except my lands.

On the 13th of April, 1808, I was married to Miss Sally Parker, a native of Newburyport, Massachusetts. We had to struggle with many difficulties. I was embarrassed with debts, and it was more than two years from its commencement before our house was ready to be occupied. For some years I was much engaged in clearing, improving, and fencing my farm. But, by the blessing of Providence upon our efforts, we eventually succeeded in establishing a comfortable and pleasant home.

In the early history of Warren the progress of improvement in morals, intelligence, and property was slow. Habits prevailed which are incident to new countries where the gospel is not preached. For several years there was no house for holding public meetings and no stated means of grace. Ministers, passing through the place, or visiting here, would occasionally preach a sermon in our own house which the neighbors were invited to attend. Among those who thus favored us were the Rev. Samuel P. Robbins, of Marietta, Rev. Mr. Gould, of Gallipolis, and Rev. Jacob Lindley, of Athens.

In the winter of 1809-10, the first school kept here was accommodated in our sitting-room. It was taught by John Brown, a son of Captain Benjamin Brown, of Ames, whose intelligence, good sense, and decision of character, made him a very successful teacher. He was afterward well known as General Brown, of Athens, for many years the treasurer of the Ohio University. In 1810, a log school-house was built on my upper place (a farm lying further up the river), that served for several years not only for school purposes, but for holding elections, and religious or other public meetings. Our common schools were liberally supported. They were taught in winter by Dr. John McMillan, Mr. John Adams, and other competent teachers, and in summer the school was for a long

time in charge of Miss Sally Rice, of Ames, or Miss Mary Ann Cutler, daughter of Major Jervis Cutler, then recently from Massachusetts. They were both refined and cultivated young women.

The first effort for religious instruction in the place was the establishment of a Sabbath-school. It was commenced May 23, 1810, and continued through the summer by Mr. Joshua Shipman, of Marietta, and Miss Mary Ann Cutler. The scholars were taught the catechism, and committed to memory portions of Scripture. The school was continued for several years, and resulted in much good. Bishop Morris and other ministers of the Methodist Episcopal Church held services occasionally in the township, and as years passed two or three classes were formed within its limits. The first church organized in our immediate vicinity was the Presbyterian Church of Warren, formed February 23, 1828, by the Presbytery of Athens; and the Rev. Addison Kingsbury became its able and faithful pastor. The introduction of the ordinances and instructions of the gospel, with bible classes, Sabbath-schools, and temperance societies, purified and elevated the community.

Judge Cutler's consecutive narrative proceeds no farther. The remainder of the volume consists of such materials as have been found among the family papers, principally letters, short sketches, and diaries, which are thought to be worth preserving, with which are intermingled extracts from public journals.

Writing of a business in which he engaged for many years, he says: "When I resided in Ames township, with a view to encourage settlers to come into that part of the country, I bought on credit a considerable amount of land from proprietors in New England, which I sold to settlers on credit, trusting them until they could raise wheat or cattle, usually the latter, to pay me for their farms. This early led me into the droving business. I commenced this traffic in 1800, and it was said that I drove the first cattle over the mountains to eastern markets ever taken from Ohio. I did more or less of this laborious business,

annually, for thirty years. Small profit generally resulted to me, but necessity controlled it. Eventually, many poor families were placed in very flourishing circumstances, who had nothing with which to buy land, nor a dollar to spare for years after they made the purchase of me. I thus aided some two hundred families to acquire homes. A number of these have become wealthy, and many are scattered far and wide in the great West. I believe, for the most part, they have established good and honorable characters."

Droves of cattle or swine which in 1889 may be started from the Ohio river at Belpre by railroad one day and offered in the Baltimore markets on the next, would have been in 1800, and for many years after, six weeks or more in transit. A diary, kept during one of these tedious journeys in the summer and autumn of 1809, more full than others found in his memorandum book, is here inserted. It shows some of the delays and difficulties encountered by those who then engaged in this traffic, and it is not without interest as a picture of the country and times in the early part of the nineteenth century.

Tuesday, July 25, 1809. Started with eighty-six head of cattle, and crossed the Ohio river six miles from Marietta, and drove on to Charles Ferry's place.

Wednesday, July 26. Drove to Husher's, twenty-six miles.

Thursday, July 27. Lose twenty head of cattle in the woods. Drive the remainder to Webster's, where my drove joins that of Browning and Dana and goes on. Buy two steers of Husher for thirty-two dollars. Return after the lost cattle, find eighteen head, and get them to Webster's.

Friday, July 28. Still hunt, but without success, for the two missing steers; then go on to Nathan Davis's with the eighteen head.

Saturday, July 29. Drive to within three miles of Clarksburg. Find on the way a steer, which Charles, who went on with the drove, had lost.

Sunday, July 30. One of my oxen very sick from eating

laurel, leave him, and start on. Soon find another very sick, and leave him at Isaac Copeland's. A little beyond Simpson's creek I lose again the whole of my cattle (in the underbrush), and hunt for them till sunset, when I find sixteen, and soon after the other one. Stay all night at Devol's—a merry old fellow.

Monday, July 31. At Plummer's find another steer sick, and leave him at Johnson's. Go on to Gandy's, where I overtake the drove.

Tuesday, August 1. Drive to Thomas's, on Cheat river, and leave a steer sick.

Wednesday, August 2. Drive to Johnson's, on Big Yough.

Thursday, August 3. Another steer sick. Divide our cattle (from Browning and Dana's) and drive to the Glades, near Hamill's.

Friday, August 4. Discharge two hands. After salting the cattle, leave them in pasture in Charles's care and go on to Westernport, and stay all night at Davis's. Have not been well for three or four days.

Saturday, August 5. Go on to Moseby's store. Mr. Pierce, who is concerned with Moseby, invites me to dine, and gives me encouragement that he will view and buy my cattle. Fell in company with an old quaker, who lives up New creek. He tells me of the remarkable cures effected by the new spring discovered in the Alleghany mountains. A man, who had been long sick, dreamed of taking the water from a spring, which relieved him. A neighbor to whom he described the place as it appeared in his dream, knew of a spring that answered the description, and went and brought some of the water, which so relieved and strengthened the invalid, that he was shortly able to go there himself, and soon recovered perfect health, which he had not enjoyed for several years. Three men, it was stated, who were bald, by washing in the spring water, had the hair grow upon the baldness, and deaf people were cured, etc. In the afternoon, I go over to Patterson's creek. A muster held at Vanderver's

store, where the people raffle for a watch. Go home with Mr. Vanderver.

Sunday, August 6. Still feel unwell. Mr. Vanderver is rich, but I did not see a pair of bars or a gate on his farm. The house is full of negroes. I noticed several religious books, mostly memoirs of Methodists, and also "Simpson's Plea for Religion," an excellent new publication. His wife appears to be a religious woman, plain, but well disposed. The house is small, but very neat. I had a clean and excellent bed. The Baptists held a meeting at a house near the store.

I went down the creek, and stopped at Mr. Johnson's, who invited me to dine. He told me that Mr. Miller, who had been down with Williams's cattle, left there the day before, and that they sold at Baltimore at \$6, \$7, and \$7½ per hundred-weight. Went on to Adams's and Parker's.

Monday, August 7. Came back to Backbone. Stopped at Mr. McCartney's merchant mill. Stream very small, yet, notwithstanding the great drouth, the mill went briskly. The miller was so polite as to show me all the machinery, elevators, rolling screens, coolers, merchant bolt, packing, etc., and set them all in motion to oblige me. Corn, hay, and crops generally, look very miserably wherever I have been. Called at Moseby's, Davis's, and Scrabble. At the latter place, fell in company with a man on his way to Scioto. Write a letter to send home.

Tuesday, August 8. Mr. Pierce came to view my cattle, as he agreed. In the evening, Mr. David Parsons came from Romney on the same errand.

Wednesday, August 9. Parsons goes to see Foley's cattle at Big Yough. No sales yet.

Thursday, August 10. Have sent Charles back to Cheat river, to inquire after the steer we left at Thomas's, sick. These Glades are a most delightful place. The high grass waving in the wind, beautiful shade-trees in clusters, with the distant hills, present a most pleasing prospect. Some of these natural meadows are miles in extent, and the variety of scenery is wonderful. On one hand are groups of pines murmuring in the breeze; before me is a clear

and gently meandering stream, where frolics the delicious trout, clothed with his beautiful spotted coat; and on the other hand rises the lofty Backbone, the highest land in this part of America. These scenes, with this pure air, conspire to enliven and elevate our ideas. The great author of all good has been bountiful, but degenerate man makes poor return for these and ten thousand other blessings.

Friday, August 11. A rainy morning. Colonel Linn came here with cattle he has been purchasing in George's Hill Glades and about the Backbone. He has sixty-seven head, and tells me he has about one hundred and forty at home. He is an old revolutionary veteran. Time has silvered his locks, but he is very lively and pleasant in conversation, and well informed. A true and warm friend of his country, he fought her battles in those times which tried men's souls. He came in cold and wet, and took up a vile Democratic paper called "The Whig," which in almost every column branded him and such like characters with the epithet "Tory." He read it with composure, while breakfast was preparing. At the table, we fell into conversation on the prospect of war. Our conversation soon turned upon Wilkinson, as commander of the army. He said that he believed there would not an honest man hold a commission under him, and mentioned a recent instance of the resignation of a captain, a young gentleman of the first talents and fortune, who disdained to serve under a coward, traitor, and villain. I mentioned the case of Jervis. He instantly took the "Federal Republican" from his pocket, and read the account which I sent to the "Supporter." He said that he had put the paper in his pocket, in order to show it to several of his friends, as an instance of turpitude in the late administration. After breakfast, he went and viewed my cattle, and offered every assistance to find a market; and insisted, if I came down again, I should ride over and see him. He lives about eleven miles from this place, in one of these charming Glades. Dr. McHenry, late Secretary of War, and his lady, are on a visit at his house, where they will stay

until autumn. We parted with mutual invitations and assurances of friendship. Charles returned in the afternoon with the steer left at Cheat river, and we got the cattle all up in pasture.

Saturday, August 12. Conclude to leave Hamill's, who has treated us with friendship and kindness. Lose cattle; Charles went back, and found all but two. The prospect in descending Alleghany is very pleasing, there are about thirty farms on George's Hills under view at one time—a beautiful house and fine farm apparently two or three miles off. We stop at a Dutchman's at the mouth of Savage, named John Brant, newly come there. The woman came out and tripped down to the river to call her husband. The house looked very shabby, and I expected poor fare. I thought if we could get a little milk it would be the best we would get, and expected to lie on the floor and be a prey to the fleas. But appearances are deceitful. We went in after taking care of our cattle, and found every thing orderly and clean, and asked for supper. The woman had four small children, and no help. She inquired which we would have, coffee or tea? I told her coffee, and in a few minutes she had a chicken killed, dressed, and on the table, with bacon, coddled apples, pickles, cucumbers, apple pie, and I know not what all. The table was set with the neatest china, and every thing had a most exquisite taste; coffee, clear as amber; and all done in the twinkling of an eye. They both appeared like cheerfulness itself. In the room where we lodged, was a nice bed, an elegant clock, a handsome beaufet, well filled. How much depends on woman to make this world tolerable!

Sunday, August 13. Stay all day at Brant's. Charles goes back after the two steers we lost, and returns with them in the evening.

Monday, August 14. On the way over Savage Mountain meet two or three droves of negroes. Gave one of the drivers, and the master, who rode in a carriage, a lecture they will be likely to remember. I felt some energy, and what little humanity I possess was roused at this shocking

sight. We stopped at Davis's and had breakfast, and hired a hand to help with the cattle, and drove on to Long's, on the farther side of Knobly.

Tuesday, August 15. Lose two steers, and have to stay and hunt them. Overtake the boys at Frankfort, and drive to Dr. Dunn's farm. Pasture very poor; the drouth has been extremely severe.

Wednesday, August 16. Drive to Colonel Rawling's place at the mouth of Patterson's creek, and stop and bait our cattle for one hour. This is a most delightful place, but the kind and generous proprietor is no more. He gave freedom to all his slaves, to commence at the age of twenty-eight, divided his estate among his three children, and gave suitable legacies to the three oldest blacks. Very neat house and gardens, and out-houses well contrived. The house stands on an elevated spot, at the confluence of Patterson's creek with the north branch of Potomac. A full view of the river, for a considerable distance, enlivens and beautifies the scene. There is great diversity of landscape—meadows, gentle hills, and lofty mountains in sight. The house is retired a small distance from the road, a fine orchard and a variety of beautiful trees, near and about the house, form part of the scenery.

Thursday, August 17. Drive to Mr. Black's, at Fifteen Mile creek. Sell some steers to Andrew Moore, of Shippenburg, for \$112.50. I know not when I have met with more disinterested kindness than this day. We had left two steers in the woods at Mains's (where we staid Wednesday night), for we could get no pasture. Mr. Black came along and saw them in the road, and, from their size and appearance, believing them to be mine, he drove them on, seven miles, to me. We go on seven miles, and stay at Lowder's—a very honest, clever Dutchman, good and hospitable; every thing excellent.

Friday, August 18. Last evening, a Mr. Hager, son of the proprietor of Hagerstown, stopped and wished us to call at Portmansear's, and bring on a steer for him. Accordingly we called, and found him there. Breakfasted.

A steer taken sick; leave him, and drive on nineteen miles.

Saturday, August 19. Stopped at Snyder's. Good breakfast.

Sunday, August 20. Came through Hagerstown; stopped and saw Mr. Hager, who introduced me to several gentlemen, among others to Mr. Charles Worland and Mr. Delihunt, who assured me he had pasture, and that there would be many buyers at his farm; drove there. He and Mr. Worland came out with me. He lives four miles from town, and has a most lovely farm; an hundred acres in a pasture, the whole interspersed with mulberry, walnut, and cypress trees; a most delicious stream runs, clear and swift, through the middle of it; and through the center of a meadow of fifty acres, a fine mill-stream is taught to run straight by the art of man. This stream is dammed at its entrance into the meadow, and from thence, by little canals, it waters the whole, and spreads a green luxuriance over it, contrasting with the dry uplands in a most pleasing and striking manner. The willows, the lofty elms, the ancient stone buildings, the fruit trees and gardens, all contribute to make the scene interesting. Here is an old fort constructed over a very large spring; the stone walls are more than twenty feet high, and four feet thick made of limestone. It is built in the form of an L, with two fronts of about forty feet. It was built a long time ago, perhaps seventy-five years, as a defense against the Indians. It is in the midst of a very rich, beautiful, level country, settled almost exclusively by Dutch, who are wealthy, but ignorant.

Monday, August 21. In the morning I was awakened by Mr. Delihunt, who told me his spring-house, which is in part of the Old Fort, had been broken open, and also his stable, and that my horse was stolen. He immediately got up his horses, and sent a young man one way, while he and I hastened to town, where, I believe, he soon informed the most of the people in it that we suspected a runaway negro, who belongs to one Cook. Mr. Cook took a horse and rode with us till 2 o'clock.

Tuesday, August 22. Mr. Gilbert, who is a near neighbor to Mr. Delihunt, came over early and informed me that my horse was taken up about five miles from here on the road to Lancaster, Pennsylvania. We went and found him, and gave the man a dollar. Rode to town in the afternoon. No cattle-buyers, and prospects gloomy.

Wednesday, August 23. Went to town and saw Mr. Hager and Charles Worland, and got my horse shod. Extremely dry, and prospects very dull. Yesterday six hundred head of cattle went on to Pennsylvania.

Thursday, August 24. Conclude to start. Bill at Delihunt's, \$13.50. Sold him one steer at \$8. He sent his son with me to Bland's, four miles, where I sold two cattle at \$18 and \$14. Sold to Mr. Maurice Baker five head at \$17 round. He treated me with great kindness, and made me stay to dine. Go on three miles, and stop at a Dutch tavern.

Friday, August 25. Go to Mechanicstown, and on through Creagerstown. Saw a fat fellow very much engaged in electioneering, and an old gray-headed man, seventy-five years old, swearing in a shocking manner. Town and people appeared much alike. Came on to Liberty, and got my cattle in pasture at Mr. Richard Cole's, who appears to be much of a gentleman. Put up at J. L. Dorsey's. A horse-race has been held here for three days, and the people are noisy and drunken.

Sunday, August 27. I have spent two nights and a day, in a most disagreeable noise and riot. Yesterday morning, early, two men quarreled, and came near fighting; then, about noon, a young man and another fellow, apparently about thirty years old, began a quarrel, and the eldest knocked the younger one down, and he lay unconscious for some time. In the evening the young man's father, seventy-five years old, came and whipped the other fellow. This is a very pleasant little town. Mr. Cole, Mr. Capster, and Dr. Sappington, are very gentlemanly, well informed, and in easy circumstances. Mr. Capster came early this morning, and invited me over to his house,

where I tarried a couple of hours. Mr. Cole has invited me several times, and I have spent a good deal of my time at his house. Dr. Sappington has just left me; he was here an hour or two, when a servant came and called him to a sick child. These gentlemen each have very handsome houses. Cole's and Capster's are of brick, large, and well furnished. The town (Liberty) is built on two hills, a small stream runs in the valley between; on the eastern hill stand the buildings I have mentioned, and perhaps twenty other decent houses—several of them are built of stone. There are only two taverns in the place, and this is the best. The people appear to be mostly very industrious mechanics, live handsomely, and are steady and well behaved. The noise, at the house where I am, was occasioned, principally, by those who came here to attend the races.

Monday, August 28. I was last evening at a Methodist meeting. There was a considerable collection of people, and I went in and sat down. Very soon a man began to sing a hymn in a familiar song-tune. The preacher then read a psalm. As soon as he was done, all the people rose and sang until the principal singer tired himself out by his loud singing and violent exertion. After this the minister prayed, during which there was a constant noise all over the house, with frequent responses, and repetitions of his prayer; the negroes, especially, exclaiming, "Oh, Lord! hear our prayer," "Oh, Lord! bless us," and "Amen!" Then there was singing again, then an exhortation, without any text or particular subject, then another hymn. Soon I heard a jumping and slapping of hands, and a person cry "Glory," and then heard her fall (I believe it was a wench), she appeared distressed for breath, but continued crying, "Glory!" "Oh, Lord!" "Oh, Jesus!" until I came away. In all this confusion the principal singer was on his knees praying, and was joined by a great number of others, negroes and devout whites, till he was exhausted by his vehemence, when they sang another hymn. It grew late, and I left the meeting. I was moved to see the fervency of the poor blacks.

Tuesday, August 29. Leave Liberty. Sold to-day, in small lots, thirteen head, amounting to \$290.

Wednesday, August 30. At Hanover sold four steers for \$44. Drive to Widow Eichelberger's.

Thursday, August 31. Sold eight cattle at \$17½ to David Eaton, overseer of Coleman's Forge; and four more to Valentine Amit, five miles short of York, at \$30. Stop at Thomas Eichelberger's.

York, Pennsylvania, Friday, September 1, 1809. At Mr. Thomas Eichelberger's. York is situated in a rich valley; a small river (Codus creek) runs through the town. One of the handsomest bridges I ever saw is thrown over this river by five arches; at each end stand two handsome pillars, with entablatures, but no engravings. The court-house is a noble building, and will be long remembered as the place where Congress met while the British were in possession of Philadelphia (1777). There are several meeting-houses handsomely built. All the public and many of the private buildings are of brick. Many of the private houses bespeak the owners to be Dutch. The farms are under fine cultivation in this vicinity. The barns, in the old Dutch style, are stone; the under story all stabling, generally about sixty feet by thirty; but some are eighty and some one hundred and twenty feet long. There are many barns, newly built of brick or stone, that are very handsome, with nothing of the old fashion about them, except the stabling, which I think is on the most excellent plan I have ever seen.

I went out this day among the farmers to sell cattle. I took the canal road from town to Mr. Jones's; he was not at home. He has an excellent farm. A fine stream, beautifully shaded with willows, steals silently through very extensive meadows clothed in the richest green. A part of the town and several fine seats can be seen from his house. The town is remarkable for having Lombardy poplars, weeping willows, and other trees in all the streets, which gives it a rural appearance, and prevents a full view from any point.

From Mr. Jones's I went to Mr. Updegraff's. He was

not at home, but two young ladies, his daughters, gave me a polite invitation to come in and sit down. They were Quakeresses; their manners were extremely easy. There is something in the manners of a well-bred Quakeress that is very interesting and attractive, or, perhaps, I have imbibed a partiality that makes me particularly admire their deportment. A simple, modest behavior is undoubtedly what every woman ought to cultivate, and attain to, if possible.

From thence I went to Mr. Rittle's. He, too, was absent, but his wife, a proper Dutch woman, told me she "should not buys no cattles for de drouth." I asked the way to Mr. Amit's. She told me to "go the road till I met two houses, and then I would come to a brick, stone house by de mills, then go to de right, and then to de left to Amit's." Well, to Amit's I went, but did not find him at home. His wife and family were at dinner, of which they invited me to partake. She told me Mr. Amit wanted to buy, and would come and see my cattle. I then took a farther circuit, going eight or nine miles through a beautiful country, in which I saw nearly twenty fine farms.

Saturday, September 2. Leave Eichelberger's. He wished to enter into partnership, and would bring out a thousand pairs of shoes and some boots, and \$1,000 in money, next summer to buy cattle; but partnership is a bad ship. He has an excellent new brick house and good farm, and a modest, well informed wife.

The poor-house, which I saw this day at York, is an honor to the place. I judge it to be upward of a hundred feet in length, three stories below the roof, four chimneys, and a very pretty cupola, and a piazza the full length of the building. There is a very handsome edifice adjacent, which, I suppose, is the residence of the overseer. It is finely situated by the side, and has a full view of an extensive meadow. It is half a mile from any road, has a neat, well-kept yard, and a good spring of water.

It rained before we started from Eichelberger's; we had a very rainy afternoon, and got very wet. Drove about

eight miles and put up at a Dutch tavern. They are making a turnpike road from York to Lancaster; about two hundred Irish are at work on it, several with black eyes and bruised faces.

Sunday, September 3. If ever any person was homesick, I am. I can not see the end of my journey or of my toils. When I came here yesterday, I hoped to be ready to turn my face homeward by Monday, but am still disappointed.

Our fat landlady sits in her shift and petticoat, constantly on her piazza. She is loquacious enough, but I can understand her with difficulty: "O my Got," says she, "what a little hand! You don't work! There!" She thrust out her hand toward me, "dat's more big dan two of dat," and fell into a loud laugh. I thought so too—it looked as hard as a wood-chopper's, and as black as a squaw's. She has two maids to assist her, and the house is clean, and victuals good. The man appears like an honest, fat Dutchman, and has an excellent farm.

Yesterday, a man overtook and rode a little way with us who could talk English. I could almost call him brother. He was well informed and sociable. He soon craved my name, and in an obliging manner gave me all the useful information he could. He told me that the Rev. Mr. Campbell, the church minister in Carlisle, married a lady by the name of Cutler, in England.

The Dutch are remarkable for having selected the very best lands. They are sure to root out the Irish. There is an irreconcilable aversion between these people. The Dutch are slow, cold-hearted, and economical; the Irish, warm and quick in their feelings, generous, and vain. How can such materials assimilate? They have nothing alike, and there is no adhesive principle to cement them; and, of course, they do not mix. I am told there is scarcely a Dutchman among the two hundred men at work on the turnpike, although this road is entirely through Dutch settlements. Both these people look up to the English, who, in turn, regard them as inferiors. This naturally leads the English to habits of idleness and dissipation, the consequences of which are much to be

dreaded. It gives me pain to see the Dutch so inattentive to learning, and the improvement of the mind. They have strong judgment, and are generally moral and industrious, and when they are polished, they shine equal with any—for instance, the two Misses Updegraff!

Monday, September 4. Bill, \$4.45. Drove three miles to the Susquehanna river, and ferried the cattle over; bill, \$2. Then drove to Henry Miller's farm, a mile and a half from the ferry. He is an honest-looking Dutchman. Rode out for purchasers. Prospect dull.

Tuesday, September 5. Sold five steers to Mr. Miller. Met a Mr. Spear, who buys the remainder for \$700. Charles, my son, left me about one o'clock, on his return home.

Wednesday, September 6. I never passed a more restless night—never shut my eyes until about daylight. Took my horse, and rode to Lancaster, eight miles. Lancaster is a very handsome town. The manners of the people are much more polished than at York. I saw but few women in the streets with bare feet; on the contrary, at York, and at all the little towns and country-seats, they were barefooted even when at their neighbors, except the English of fortune, and some few who copy them.

Thursday, September 7. Returned from Lancaster, and arrived at Mr. Spear's about two o'clock. He had started to Lancaster an hour before. Spent an anxious afternoon.

Friday, September 8. Mr. Spear returned in the evening, and Mr. Birnie, a gentleman from Philadelphia, came with him. Mr. Birnie is a Scotchman, well informed, and of an excellent character. He is a commission merchant. I have established a correspondence with him.

Saturday, September 9. Several of Mr. Spear's neighbors were here to breakfast, after which Mr. Spear, Mr. Peyton, and I went to Columbia, and came back by Colonel Strickler's. Mr. Spear informs me he has negotiated at the bank for money, but it could not be obtained until Monday.

Sunday, September 10. A long, tiresome day. Mr. Spear

and his wife go to meeting. Mrs. Spear is the daughter of Colonel Strickler. She possesses in a high degree the active qualities of that family. She is industrious and vigilant, with a talent to command, and is as well qualified for a farmer's wife as is possible. The men servants appeared to obey with promptness and respect. She is also very courteous, and strives to make every thing pleasing to her guests. Mr. Spear's mother, a fine old lady, lives with her in great harmony,

Monday, September 11. Mr. Cutler, having closed his business with Mr. Spear, set out on horseback to return to his home, where he arrived late in September. These journeys were not without danger, as well as fatigue. The mountain roads were often infested by lawless characters. Robberies, and sometimes even murders, occurred. On one occasion, when stopped by a highwayman, he owed his safety to the use of his loaded whip and the sagacity and fleetness of his horse.

In 1810, Judge Cutler entered into an agreement with Colonel William Vause, on the south branch of the Potomac, Hampshire county, Virginia, that he would purchase cattle as early as possible in the spring, and send them to the Glades, in Alleghany county, Maryland, where Colonel Vause was to provide trusty herdsmen to take charge of them until they were fit for market, when he was to dispose of them, refund the purchase-money, deduct the other expenses, and divide the profit or loss equally between them. This arrangement continued two or three years, until the war with Great Britain came on, which, with some restrictions as to right of pasturage, brought the business to a close, of which Colonel Vause writes, March 14, 1813: "I have thought it advisable not to engage in the stock business this season. There are several characters in Alleghany county, Maryland, whose influence has prevailed on the legislature of that state to enact a law prohibiting *us Virginians* from herding stock in the Glades, unless under certain regulations, which are not in my power to comply with this spring."

War was declared with Great Britain June 18, 1812. Judge Cutler went over the mountains in September of that year, and writes home from the Glades: "I have been at the south branch, and have seen my friend Vause. All was bustle and confusion there, on account of the marching of the militia. Such another scene I never witnessed: fathers, mothers, sisters, and wives, all in tears, taking leave of sons, husbands, or brothers, perhaps to see them no more—it was truly distressing. Colonel Vause is the commander of the regiment, and is regarded as a father and friend by all. I never saw a finer set of men than composed one company commanded by Captain Heiskell, of Vause's regiment—all young, handsome, and active, and all completely equipped as riflemen—Federalists and Democrats—all agreed, and harmoniously vying with each other who should do his country, his state, or his county the most honor by a decent deportment and a neat, soldier-like appearance."

A few weeks later, Colonel Vause writes: "The assembly of Virginia have had a long session, owing to business of importance that it became their duty to act upon before they rose. They are occupied in providing for the defense of our eastern frontier, which they consider neglected by the general government. One of their acts is to authorize the enlistment of one thousand men for during the war, to be employed in the service of the state only. There is no prospect of a speedy peace, and no probability that the war will be prosecuted with any degree of success. How it will end, God only knows; but I fear it will become very calamitous and expensive, and never secure the object for which it was said to be declared, namely, that of vindicating the honor of the nation."

Some extracts from other letters written during the war show how it was regarded in different parts of the Union. Dr. Cutler writes to his son, March 23, 1813, as follows: "The account you have given me of the treatment of the Indians in two towns you have mentioned, and the undisciplined state of the militia which made so large a portion of General Harrison's army, is most astonishing.

The people who have treated the Indians in this savage manner have debased themselves below the savages. I have long been satisfied that the Indians are rarely, if ever, the first aggressors in their wars with the white people. Very little is to be expected from soldiers who are under no discipline, and this was probably very much the case with General Hull's army, and is still with the troops at Plattsburg and near Niagara. Nor will it ever be much otherwise, until there is a commander-in-chief who is fit for the station. Heaven has remarkably frowned upon all the attempts to invade Canada. It is, however, no more than we might expect in carrying on a war so unprovoked, unnecessary, and abominably unjust. I was sorry to find your son was one of the conscripts. I hope you will, at all events, provide a substitute.

“ . . . In this quarter, the distresses of the war are most sensibly felt. Commerce has almost totally ceased. Very little has been obtained by privateering. Double the amount of property has been taken in the ships that have been captured since this vile business commenced, to what has been brought in by privateers.”

Mr. Wright Converse, of Waterford, Ohio, emigrated to Louisiana, where, in 1813, he volunteered, and served under General Claiborne in the campaign against the Creek Indians. In a letter to his old friend, Judge Cutler, written January 15, 1815, he gives an account of the battle of New Orleans, fought on the 8th of that month:

“From long acquaintance, and the friendship I have received from yourself and family, I take the liberty to address you. No doubt you will be interested to hear that the English landed on the 23d of December with about 7,000 troops, and marched for New Orleans. General Jackson met them eight miles from the city with a superior force, and a battle commenced. After fighting about two hours we got the better of the enemy; our loss was considerable, and the enemy lost a much greater number.

“Both armies entrenched within about a mile and a half of each other, and have kept up a continual skir-

mishing since. They made two formal charges on our works, for which they paid dear—the first time they lost 500 men. Last Sunday morning, about an hour before daylight, they moved out their whole force and made a bold charge. Our brave men met them, and both fought for two hours, when the enemy was glad to retreat. They must have lost about 2,000 killed and taken prisoners. Our loss was but trifling—six killed and thirteen wounded. Our large cannon would open their ranks, and on all quarters the slaughter was considerable. The militia have been ordered out *en masse*, and are continually passing on to Orleans. General Jackson has about 16,000 men fit for the field, therefore we have nothing to fear, although we have several points to guard.

“The English will rue the day they landed in Louisiana. They did not meet General Winder, but General Jackson, who will give them the plunder they came for! If men have the least ambition, Jackson will make soldiers of them. I am of opinion it would be better for the State of Ohio to send Generals Cass and McArthur, and some others, to Jackson; he would mix them with his men, and no doubt if they improved he would make subalterns of them. He has adopted a simple plan—that is, to make a soldier an officer; if officers are not soldiers, he lets them go home.

“Four frigates lightened at the Balise came up to Fort Plaquemine and commenced an attack, and the fort fought them manfully. From the best information, we believe that two ships were sunk, and one blown up; our loss in the forts but small.

“On Wednesday last, General Jackson and General Lambert exchanged prisoners, and on Thursday morning, there was not an English soldier to be found in their works; therefore are all drawn off. What attack they will make next is uncertain.”

The battle of New Orleans closed the hostilities of the war of 1812 soon after the ratification of the treaty of Ghent. Mr. John Heard, a proprietor in the Ohio Company, writes: “I presume the two shares I own may be-

come rather more valuable, as by the hand of a kind Providence peace is restored, and we have abundant reason to be thankful; but have no cause to give the least credit to those rulers who have made this unjust and ruinous war. It is astonishing to find that not a single article in the treaty secures the objects for which the war was declared—to obtain a repeal of the orders in council; to remove the illegal blockades; to prevent the impressment of seamen; and other complaints. We find not one of these objects obtained by the war, or even so much as named by the treaty! But I forbear, the subject is painful.”

The little community of Warren, however, without gainsaying, on the night after the welcome news of peace was received, assembled at Judge Cutler’s residence to express their unfeigned gladness. An old pioneer states that “The house was brilliantly illuminated, the word PEACE shining from the upper windows, and the judge came out upon the door-steps and made us a capital speech, to which we responded with hearty cheers, and patriotic songs, and the discharge of our guns, after which we were invited into the house to partake of a bountiful repast spread in the long hall, to which we did ample justice.”

CHAPTER VI.

EARTHQUAKES—FLOOD OF 1813—LEGISLATURE 1819-20—
SCHOOL COMMISSIONERS.

A series of earthquakes, considered remarkable by scientists, occurred during the winter of 1811-12, which were particularly severe in the Western States. Of these Judge Cutler, in a letter dated Warren, February 19, 1812, writes thus to his father :

“In giving you some account of the late earthquakes, I will confine myself to the phenomena as they appeared at my house, or as I personally felt them when from home, presuming you have seen descriptions in the public papers from other parts of the country.

“The first shock was at half past two o'clock on the morning of the 16th of December. When I awoke the bed appeared to have a vibratory motion, and the floors and joists made a noise much like a frame house in a violent wind; as our house is stone, and we never perceive the least motion in the hardest winds, we were of course alarmed. Mrs. Cutler immediately said, ‘It must be an earthquake,’ but I tried to assign some other cause in order to quiet her fears. This shock lasted at least five minutes, I think it was ten minutes before the house ceased to shake. About sunrise we felt another shock. Again about eight o'clock the house began gradually to shake, and was not entirely still until forty-five minutes after eight. The hardest shock was five minutes after it commenced, when it gradually subsided, and then increased, so as to give in this time three shocks. In the course of this day (the 16th) we felt ten distinct shocks, and one the following night.

“The next day, which was the 17th, we had one shock, and one on the succeeding night. On the 18th there was

another not noticed by our neighbors, nor would it have been by the family, if Charles had not been with a man on the roof of the house in the act of laying brick to top out one of the chimneys. The chimney vibrated three or four inches. They came down and informed me. I found the house was in a tremulous motion, which continued about one minute.

"On the 23d of January this region was visited by a second remarkable shock. I was on a journey to Zanesville and did not perceive it, but my family state that it was preceded by a roaring noise, which passed up the river from S. W. to N. E. This shock was not so severely felt at our house as the first. On the 3d of February I was at Zanesville in the senate chamber about nine o'clock in the morning, when the court-house, in which we were, shook to that degree that nearly all the people, perhaps three hundred, rushed out. I felt a giddiness and nausea, which I found was the case with many others. The spire of the court-house, when I got out to see it, vibrated at least twelve inches, and it was said by those who saw it at the hardest that the vibration had been much greater. On the 7th instant, at three-quarters past three in the morning, we had a shock more severe than any before experienced. I was at Waterford in bed with Mr. Benjamin I. Gilman, and was awake at its commencement. When the bed began to shake, I supposed Mr. Gilman had made some movement, but soon found he was asleep. The motion increased; he awoke before the hardest shock, which appeared more like a sudden jerk than any I have felt. It lasted four or five minutes at Waterford, but was longer and more severe at my house. The motion was not unlike that of a sieve in the act of sifting meal. I believe there was considerable difference in the motion of the several shocks. In the first it appeared to be under the bed in which I lay, but in the last I have mentioned it was more as if some person had taken hold of the bedstead and shaken it back and forth. A number of other shocks have since occurred, some of them nearly, if not

quite, as severe as the first. We have not kept a particular account of all, but they exceed twenty."

For about three months the earth appeared to be in a continual tremor. The center of the disturbance was New Madrid, in south-east Missouri, where the vertical and horizontal motion was noted as it was here. For hundreds of miles along the Mississippi, "the land rose and fell in great undulations, and lakes were formed and again drained." Near New Madrid the earth burst open in many places, engulfing trees, rocks, or whatever was on the surface, and from these chasms mud and water were thrown high into the air, and, finally, a district seventy or eighty miles in length and thirty in breadth, along the White river, sank below its original level, and is still known as "The Sunk Country." Caracas, in South America, with 12,000 people, was destroyed, March 26, 1812, by an earthquake, after which they ceased here.

The first great flood in this region after the settlement of the colony at Marietta was in January, 1813. A writer in 1755 said: "The Ohio river, as the winter snows are thawed by warmth or rains in the spring, rises in vast floods, in some places exceeding twenty feet in height, but scarce anywhere overflowing its high and upright banks," and Mr. Thomas Hutchins, afterward geographer of the United States, by whose advice the Ohio Company located their purchase, states in a book published in London, in 1778, that "The Muskingum is a fine, gentle river, confined by high banks, which prevent its floods from overflowing the surrounding lands." The experience of the settlers on the borders of these rivers, for a quarter of a century, seemed to confirm these statements; for, although they were often at full banks, and occasionally a little out of banks on the low bottom lands, no general inundation of the valleys had occurred. There had been partial freshets in February, 1789, and again in December, 1808, but no serious inconvenience resulted, and homes were planted near the river with no apprehension that they would be invaded by the floods. The first troublesome

high water at the Cutler homestead is noticed in an old account-book.

"*January 24, 1813.* Began to rain, and the Ohio to rise. On the 25th the river rose more than was ever observed in the same time—at first, said to have been six feet in one hour. Early on the morning of the 26th, the rain, which had not been heavy, ceased, and the ground was covered with snow. The water that evening was as high as the freshet of December, 1808. The rise was rapid beyond any before known—so sudden as to prevent us from getting our stock off to a place of safety. We drove the cattle to the hill early in the morning, but had to carry our sheep off in a boat about noon, and ferried the horses over in Mr. Cole's flat that evening. We got the hogs into the house, in the course of the night, except eight or ten that were drowned. We also lost two sheep and two calves; one was drowned, and the others perished in consequence of the cold and snow. On the 27th the family moved up stairs. The water still continued rising, but not so rapidly. About six o'clock on the morning of the 28th the river came to a stand, when it was five and a quarter inches on our lower floor, and about four feet higher than ever before known since the settlement of Marietta. On the evening of the 28th the water descended from the floors, and we were able to build fires below. If the cold had not set in, no doubt the rise would have been much greater. The river was low for the season of the year when the freshet commenced, and one remarkable circumstance was its rapid progress unattended by any extraordinary fall of rain."

The flood of 1813 has been called the "Ice Flood," from the fact that the river was crowded for a day or two with heavy blocks of floating ice, and when the temperature fell the back-water froze to the thickness of two or three inches. The discomfort and loss of property occasioned by the flood in the Ohio Valley was very considerable, but not to be compared with the more recent and much higher floods of 1832 and 1884.

Occupied with his own affairs, and surrounded by his

family, with no public duties to perform, except those of justice of the peace, the years passed quietly with Judge Cutler until 1819, when he was elected to the house of representatives in the Ohio legislature.

He has left no detailed account of his services in the legislature. What these were, and the circumstances in which they were rendered, can now only be gathered from the legislative journals, his own occasional notes, and letters written at the time.

It is not unfrequently the case that important services have been rendered to communities, and to the state by agents who have disappeared from public notice so nearly contemporaneously with the accomplishment of their purposes that no personal credit has ever followed or been attached to their actions. This has not arisen from ingratitude, or an unwillingness to accord due honors to faithful servants, but rather from the fact that the progress of events is so rapid in a community where all are struggling forward that to-day displaces yesterday, while to-morrow speedily obliterates both, or casts them into the shades of forgetfulness.

For a public man to receive even his just award of merit, his name must be kept so constantly before the world that it will become almost a household word, and must be connected with positive acts of value and importance. This is an unwelcome condition to be imposed upon a man of genuine modesty and true sensibility, and is so often neglected by himself and his friends that his services, however meritorious, sink out of sight and are soon forgotten, or are accorded to some more noisy builder upon other men's foundations. It is also true that some of the most influential and beneficial agencies, especially in laying the foundations of civil society and social progress, have been so quiet in their labors that very few, even of their cotemporaries, could, in the nature of the case, have sufficient knowledge of the facts to secure their publication to the world.

An illustration of the popular tendency to forget the services of faithful public servants may be found in Judge

Cutler's case. He was called into legislative service from 1819 to 1825. During this time he undertook to lay the foundations of two of the most important systems of public policy that were ever adopted by the State of Ohio. One of them was that relating to common schools; the other, an *ad valorem* or equal system of taxation. His persistent labors in securing their adoption will appear in the following pages. But the tide of popular favor carried more energetic aspirants into office, while he adhered rigidly to a principle of personal restraint "never to seek office," and was retired from political position at a time when he had acquired an eminence in the state, surpassed by few of his associates.

Judge Cutler, in his notes, written several years before his death, refers to these efforts: "I was elected to the legislature for several terms, and was employed as one of a committee to prepare a school system, but in 1819-20 only obtained its passage through the house. It did not pass in the senate. I also attempted, during the same session, the introduction of a system of taxation, which met with no favor until 1824; during that winter, I persevered and prepared bills for an equal system, and, in the memorable year 1825, had the pleasure to see them pass both houses by large majorities. My mind was greatly occupied by this matter until it was accomplished. I had very little encouragement for some time. I remember, however, that Mr. Henry Clay, whom I met in Columbus, on hearing me explain my plan, highly approved it. The session ending in February, 1825, produced this system, the school law, and the system of internal improvements."

Rev. Dr. Manasseh Cutler* was the author of that clause in the "Ordinance of 1787," which declares that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education, shall forever be encouraged." And

*See North American Review, for April, 1876. Article, "The Ordinance of 1787, and Dr. Manasseh Cutler," by W. F. Poole.

this was one of the conditions upon which he negotiated with congress for the purchase of the Ohio Company's lands.

It was at the instance of his son, Ephraim Cutler, when a member of the convention that formed the constitution of Ohio, in 1802, that the same clause, substantially, was incorporated into the organic law of the state. Judge Cutler was, in politics, "an old Federalist," consequently, after the admission of the state, he was retired from all active political service, but he never lost sight of the grand idea that "religion, morality, and knowledge" were the organic principles of the state. He believed that the constitutional provision not merely authorized the legislature to act, but that it was mandatory; and imposed an obligation upon the legislature of the state to encourage schools, and that neglect to do so was a violation of that instrument.

Accordingly, on his return to public life as a member of the house of representatives, in 1819, he writes: "The party heat had become much cooler than what had prevailed since 1803, and no party measures were agitated. I moved to have a committee appointed to prepare a system to regulate common schools. I was chairman of that committee, and prepared a bill providing to have the townships divided into districts, school houses to be built, money for that purpose to be raised by a tax on the property within the district, and part of the pay of the teacher to be paid from the public funds. It passed the house, but the senate did not act upon it, and it died at the end of the session."

In reference to his effort to originate, at that time, an efficient school system for Ohio, it may be added that Henry Stoddard, Esq. (who was a member of the legislature of 1819-20), stated in conversation, in 1853, that he had in his possession a copy of the original bill introduced by Mr. Cutler in 1819. A request was made that he would commit this relic to a son of Judge Cutler. In response, he writes to W. P. Cutler, under date of Dayton, January 5, 1854: "It will afford me great pleasure to furnish you

the bill, as introduced into the legislature at the session of 1819-20, which was the basis of the statute passed at that session regulating common schools, and although very defective for the purpose for which it was introduced, yet it is the foundation of the system which is now the pride and glory of our state; and *I know* that no man in the legislature so essentially contributed to its final passage as your father."

Up to 1819, the legislation respecting schools had been of a local nature, and nothing had been done to establish a system of common schools for the whole state. Although provision had been made by congress in land laws, and in the sale of lands, for the application of section 16 in each surveyed township for school purposes, yet even that aid was allowed to remain almost useless for want of system in its management. The injunction upon the legislative authority "to encourage schools and the means of education" had been unheeded; and it was natural that he should improve the first opportunity which offered to give activity and efficiency to a principle which he might claim as an inheritance from his father, and which his own efforts had made fundamental in Ohio.

At this day, when our common-school system is universally popular, the earnestness with which he followed up this favorite measure, and the anxiety with which he nursed it, can scarcely be appreciated. Then the subject was met not only by an indifference which had allowed one generation of youth to pass away unprovided with schools, since the organic command to the state had been issued "to encourage schools and the means of education," but by a determined hostility which, based upon the plea that "every man should educate his own children," was active and influential all over the state. The imperfect law of 1825 cost far more labor than the subsequent acts based upon and supported by an advanced public sentiment.

Of the session of 1819-20, he writes: "I also offered a resolution on the subject of taxation, declaring that it was

necessary to pass a law that property should be taxed according to its value. It was a joint resolution; it passed the house, but did not pass the senate."

In a country so new, and with so limited a development of its native resources, as was the case in Ohio prior to 1825, the field for the tax-gatherer was not inviting. Land was, in itself, the principal wealth, as well as the source from which all else was derived. It therefore became, from the first, the main dependence for taxes.

The system adopted for levying taxes upon lands was to separate them into three classes or rates. Listers were appointed, who entered all lands under first, second, and third rates, according to their judgment of quality; that is, all of the first rate at two dollars, of the second rate at one dollar fifty cents, and of the third at one dollar per acre; and all lands under each rate paid the same tax per acre. The principle of *ad valorem* found no place in the legislation of Ohio before 1825, excepting in regard to lots and dwellings in towns.

The operation of this rate system became exceedingly unequal and unjust, as between different sections of the state. The burden of taxation fell heavily upon such counties as Washington, Meigs, Athens, and Gallia, while the more wealthy portions of the state, in the Miami and Scioto Valleys, escaped.

As long as the financial wants of the state were confined to the necessary expenditures for its own government, the subject does not appear to have received much attention. But the imposition by the general government, in 1813, of a direct war tax of \$3,000,000, of which the proportion of Ohio was \$103,000, seems to have excited an earnest inquiry into the subject of equality of taxation. This direct tax was assumed by the state, and money was borrowed, in whole or in part, to pay it, thus saving fifteen per cent. Afterward the tax was collected from the people under the old rate system on lands.

This burden of a war tax was soon followed by the project of the Ohio and Erie Canal. The canal system found advocates in the fertile interior valleys of the Scioto

and Miami, because their wants and necessities dictated that policy; and it was manifest, from the topography of the country, that any improvement of that nature must, necessarily, be located within their borders; while in the eastern portion of the state, from the nature of the surface, such a work would be impracticable. But while the canal policy had acquired such support from the more wealthy and influential parts of the state that its ultimate success was assured, the eastern portion was laboring under a most unequal and burdensome system of taxation. The canal scheme was gaining in popular favor, its friends, intent only on the result, gave little heed to the sources of state credit.

Such were the circumstances in which Judge Cutler took up the *ad valorem* system, really, for the first time in the State of Ohio. He managed to keep the law "establishing an equitable mode of levying the taxes of this state" in the advance, and to secure its adoption by the legislature, and then withdrew his opposition to the canal.

The evidence of his labors for the improvement of schools, and of the revenue of the state, is not mainly found in legislative journals (although they contain corroborative proof), from the fact that they were kept in a very loose manner, and debates were not reported. The letters of gentlemen, written at the time when both these questions were fresh and well understood, afford the best insight to the actual status of these subjects at that time, and the difficulties to be overcome. His own letters to Mrs. Cutler, during his attendance on the legislature, show his direct and influential agency in relation to them. These also introduce to us some of his associates, and present a view of the various subjects which, at that early day, occupied the attention of our legislators.

As before stated, in the autumn of 1819, Judge Cutler was elected to represent the counties of Washington and Athens in the general assembly. He writes to Mrs. Cutler from Columbus, December 7, 1819: "I arrived here safely on the 5th inst. Several friends called on me, and

gave me a welcome I did not expect. Col. Lord came, and most cordially invited me to board with him, which I gladly accepted. I am, accordingly, at his house, which is very pleasantly situated, and have a room, elegantly furnished, entirely to myself. Col. Lord is a friend on whom I can rely. Mrs. Lord is a pleasant, well-bred woman, who does every thing with pleasing politeness, neither fulsome nor affected; the family is small, and very agreeable; and what company I have seen are of the first respectability. No other person boards with me, but there are fifty members within a few steps, so that I have the benefit of retirement in the midst of bustle and noise.

"Yesterday the house and senate were organized, the several officers elected and sworn—Joseph Richardson, speaker of the house, and Allen Trimble,* speaker of the senate. This day at 12 o'clock the message of the governor (Ethan Allen Brown†) was received and read. The business of the house has not yet assumed an interesting shape."

To Mrs. Cutler, December 22, 1819: "I find a number of very valuable men members of this body, and there is ground to hope that some important improvements in our system of laws will be effected, but business progresses slowly. Nothing of a public nature has yet been accomplished; of private and local matters more has been done.

* Allen Trimble, born in Augusta county, Virginia, November 24, 1783. A politician and lawyer. Settled in Highland county, Ohio. Commanded a mounted regiment in the war of 1812. Member of legislature 1816-26, and most of that time speaker of the senate. Acting governor in 1821-2, and governor of Ohio in 1826-30. He was a friend and promoter of common schools, agriculture, and manufactures. He died at Hillsborough, Ohio, February 2, 1870.

† Ethan Allen Brown, born at Darien, Connecticut, July 4, 1776. He read law in the office of Alexander Hamilton, and was admitted to the bar in 1802; settled in Cincinnati in 1804. He was judge of the Supreme Court of Ohio from 1810 to 1818; governor from 1818 to 1822; United States senator, 1822 to 1825; canal commissioner, 1825 to 1830; United States minister to Brazil from 1830 to 1834; commissioner of general land office, 1835. Removed to Indiana, 1836; died at Indianapolis February 24, 1852.

"Mr. Stoddard, a member of the house, boards near me; he is one of the most agreeable men I have found here. He and Mr. Jennings, of St. Clairsville, who are both lawyers, spend much of their time with me; Col. Lord also spends a part of every evening. I generally sit up till about midnight, employed in drawing up reports of committees, preparing bills, writing letters, or in reading.

"Gen. H—— came here with the expectation of leading or, rather, directing all public affairs. He got up a set of resolutions instructing our senators and representatives in congress to raise the tariff on goods made in foreign countries, so as to encourage the establishment of all such manufactures in our own; and also not to pay the public debt, but apply the funds to making roads and canals. In the senate, of which he is a member, it passed unanimously. When it came before the house I could not refrain from saying, I thought it indelicate and improper, on our part, to undertake to instruct men who had been selected by our constituents to act in those affairs, and were provided with every aid to form a correct judgment, who had been recently elected, and had given no cause for jealousy. It would render us deservedly ridiculous in the eyes of men of common sense and information. Very unexpectedly, I found that the house went with me in solid phalanx. I send a copy of these resolutions, as versified by Gardner :

"*Resolved*, By the senate, that all the distress
Which our constituents so sorely oppress
Is caused by the want of a proper selection
Of means to give home manufactures protection,
That wise and good policy loudly requires,
And love of our country most warmly inspires,
That *we* should do something, yes, all that we can,
And join in the struggle, as if by one man,
To keep manufactures free from the sheriff;
And this must be done by augmenting the tariff.

"*Resolved*, That this senate sincerely regrets
The nation's so free in discharging her debts,
That we think it unwise, and impolitic too,
To pay out a cent more than just what is due;

And if any cash more than strict justice calls
Should be left to make roads or to open canals.
We advise that the government open a sluice
Through the Isthmus of Darien (according to Foos),
And we'll get silks and tea for our pork and corn
By a much nearer route than to double Cape Horn.

“*Resolved*, To instruct our Trimble and Ruggles
To aid by log-rolling, and speeches, and struggles,
And that Ross, Brush, and Beecher, and Herrick, and Sloan
Be requested to speak in their manliest tone,
And strive that these laudable things should obtain,
That thus we may all be elected again.

“*Rider*:

“*Resolved*, By the house, that the senate is crazy,
For if they'd act wise they'd be quiet and aisy,
And let every man buy his coat where he can
For specie or paper, for beef, pork, or grain.”

To Mrs. Cutler, December 24, 1819: “I came from the house this evening wearied. I had made a speech, in which I felt considerably animated, and now experience the consequent exhaustion. The question in debate related to the banks which failed to pay their notes. Dr. Campbell, whom I consider one of the first men in the house for ability and integrity, Mr. Corey, and several others, spoke on the same side of the question; Mr. Kelly, a lawyer and a Democrat, on the opposite.

“I am appointed on a very important committee, who have under consideration a bill to regulate schools. I am endeavoring to draw a bill which I hope will be so constructed as to pass, and to produce a good effect.”

To Mrs. Cutler, December 29, 1819: “I have just returned from attending a meeting of our committee. The difficulty in making thick-headed mortals understand plain questions is sometimes vexing, but this evening our committee has had to contend with art and avarice combined. There is nowhere to be found knaves more designing than at a legislature, where, with specious words and demure looks, they seek to entrap the unwary. I am truly tired of it. My head, hands, and even heart are en-

gaged in the labors before me. There is as yet nothing of asperity in the house; the senate is more divided."

To Mrs. Cutler, January 9, 1820: "It afflicts me to see so much time wasted in doing or rather in debating about things, the most of which ought not to be done; but so it is. Conscience and inclination both prompt me to endeavor to accomplish something that will be of service to my constituents. I am not without hopes of effecting a change in our system of taxation, and of getting a law passed for establishing school districts and encouraging schools, and a state road from the mouth of Fishing creek to West Union, and also to Portsmouth. On taxation, I have had two trials, and had, alone, to combat all the speakers in the house. On the first vote, twenty-two voted with me, and forty against; but on the second they stood twenty-eight to thirty-two. I will make one more effort, and hope to carry it.

"I presume you will remember how bitterly Gen. T— used to persecute and abuse me; I have, this day, had an opportunity to reward him in a way that I should always be glad to reward all others who have done the like. He had a claim before the house for services rendered to the state. I exerted myself to the utmost to have him receive a handsome compensation, while his former sycophants forsook him, and were ready to reduce his pay to what would be meanness. Perhaps I may some day show you a letter which he wrote me on Saturday.

"A few days ago we had a resolution before the house respecting allowing slavery in the new State of Missouri; that is, requesting congress not to allow it in that country." [The resolution here referred to, with preamble, is recorded January 15, 1820, senate journal, as having passed both houses of the legislature. They are as follows: "Whereas, The existence of slavery in our country must be considered a national calamity, as well as a great moral and political evil; and, whereas, the admission of slavery into the new states and territories of the United States is fraught with the most pernicious consequences, and is calculated to endanger the peace and prosperity of

our country; therefore, *Resolved*, by the general assembly of the State of Ohio, That our senators and representatives in Congress be requested to use their utmost exertions to prevent the introduction of slavery into any of the territories of the United States, or any new state that may hereafter be admitted into the Union."'] "I attempted to make a speech on this subject, got pretty warm, and spoke with energy. My friends appeared well pleased. I sometimes get excited in debate, perhaps too much so, but I believe I have never descended from a dignified course, and when I have the floor, I am gratified by the order and stillness which ensues. I have made it a rule never to speak unless to assist a friend, or to vindicate something which relates to the interests of my constituents, and on subjects of a general nature only when duty seems to compel.

"I have been interrupted by Mr. Nashee, your favorite editor. I think his modesty and unassuming simplicity of character, his intelligence and correct deportment, make him quite interesting. He boards at Gardner's, but is frequently in my room, and the dull hours move more rapidly in his company.

"Mr. Bazaleel Wells is also here on business. His brow is somewhat wrinkled with care, and his head silvered by time; but he still retains that noble, dignified air, which you have often heard me mention that he possessed in a superior degree."

To Mrs. Cutler, January 21, 1820: "I am oppressed with the responsible situation in which I am placed. The bill before the house for regulating schools, on which I have spent much thought and many hours of labor, I expect to lose, and dread the day when I must exert all my poor ability to again defend it. Another bill for forming a canal from Lake Erie to the Ohio, which duty requires me to oppose, is a source of painful solicitude. I am alone in this, as respects men of ability, but I must do the best I can."

A week later he writes: "For several days I have had to contend with the most eloquent and influential men in

the house on questions of the most interesting nature. The act for regulating schools, which I originated, and that I now feel gratitude to God for sustaining me in carrying through, has passed the house—yeas forty, nays twenty. An act, for taxing lands, which contained many odious principles, was yesterday rejected by the house. I have the credit of effecting this result. It was recommit-
ted to a select committee, of which I was a member, a majority of whom were my friends. I had, I believe, the whole subject under my control. I think I shall, eventually, obtain all that I expected; that is, a just and equal system of taxation. These and other subjects have drawn me into discussion with some of the ablest men in the house."

To Mrs. Cutler, February 6, 1820: "The house dispatched a good deal of business last week, and I think the session will close about the 25th of February. The canal bill lies back. I expect to have one more tiresome day when it comes up. It makes my head and back ache to discuss these tough questions. The projectors, I am told, are rather alarmed at the opposition. It cost me a day's most fatiguing labor when it was before the committee of the whole house. To support every proposition, and rebut every cavil, single-handed, is, indeed, a task. I asked some, whose duty it was to come forward as much as it was mine, why they did not do so? Their answer was, that I had anticipated all that they could say! This, however, was not the fact.

"I have just returned from hearing the Rev. Mr. Hoge. He is a fine preacher, and I have constantly attended his church."

To the foregoing extracts from Judge Cutler's own letters will now be added letters written by gentlemen to him, relating to matters that claimed the attention of the legislature this winter. The first is from the Rev. Jacob Lindley, a Presbyterian minister, who had been selected by the Trustees of the Ohio University, in 1808, to organize that institution, which he did, and had continued to conduct with distinguished ability and success. It is dated

Athens, February 15, 1820: "I must apologize that I have not written to you since you left Athens. Mr. Whittlesey has been much out of health, and that circumstance has imposed a double duty upon me in the seminary. There is also a very great excitement of a religious kind, in this place; it is much more extensive than any thing that I have witnessed here before. It is principally, as yet, confined to those who attend worship with us, and, I believe, altogether to the youth. I am worn out with collegiate duties and parochial labors.

"From the conversation I had with you, I think you understand the wishes of the trustees of the seminary, so that nothing but their petition to the legislature will be necessary to revive all in your mind. It is not the opinion of the board that it would be best for the institution to have the lands which support it subjected to a reappraisement at certain periods, say every twenty-five or thirty years. The question which labored in the minds of the trustees was, whether or not they had a right to have those lands, before they again leased them, reappraised, which had been appraised once, and had afterward fallen into the hands of the board? All the law characters belonging to the board said that they could not be legally reappraised, without an act of the legislature for that express purpose.

"Should you be able to obtain the passage of a law according to the wishes of the board, I hope that law will extend to all lands which may from time to time be forfeited to the board."

An act authorizing the reappraisement of lands reverting to the university was passed February 18, 1820.

The following letter from Hon. Paul Fearing refers to "an act defining the duties of justices of the peace and constables in criminal and civil cases," which was then under discussion in the legislature, and passed February 16, 1820. The letter is datéd "Marietta, February 15, 1820. Report says that nearly all our legislators are justices of the peace, and that they have raised their jurisdiction to one hundred dollars. Wise legislators can

transcend the constitution, and, as Gen. H. says, we must obey. The report goes on to say, that before the justice neither party is to have attorney or counsel; and for the greater dispatch of business, the parties shall not tell their own stories; and for the saving of cost to the losing party, there shall be no appeal. It is good economy; our citizens had better be at work, than spending their time and money at courts. The act, however, reminds me of a circular letter written by a Mr. Stewart, a member of Congress from Pennsylvania, to his constituents. I remember a part of it, after it was versified. I will give it you. The letter was written to affect the then ensuing election, and is as follows:

“ Don't choose a lawyer for your representative,
For the lawyers are the greatest rogues alive;
Don't choose a *larned man*, they bother business vilely;
But choose such men as Me, and Bendeger, and Smiley.”

The condition of the currency at this time was very unsatisfactory, the solvency of many of the banks in the state was questioned, and business was prostrated; and the legislature was expected to find a remedy. People were restive, too, under the unjust system of taxation then prevailing. The annoyances to tax-payers arising from these causes appear from the following letter written by David Putnam, Esq.,* a gentleman largely interested in real estate. It is dated, “Marietta, 24th December, 1819. I have an unexpected opportunity of writing you by B——, who goes to Columbus in the morning, with the view of paying the taxes in his agency, not being able to do it here without much additional expense. As I began

*David Putnam, son of Colonel Israel Putnam, and grand-son of General Israel Putnam, of the revolution, was born in Pomfret, Connecticut, February 24, 1769, and graduated at Yale College, 1793. Studied law, and came to Marietta in 1798, where he practiced law for thirty years, and then devoted himself to an extensive land agency. He was an intelligent and valuable citizen, “a friend to order, morals, education, and religion.” He died March 31, 1856, aged eighty-seven years.

early in September, and have been paying until now, I have got through with mine, but I never had such a struggle before. More than \$600 I have been obliged to pay in specie. The operation of our tax system in this district is abominable. I understand, at Zanesville, canal notes are taken by the collector, and at Cincinnati, the notes of that place. And here, with such money as I have been obliged to pay, I could purchase Zanesville and Cincinnati paper at more than twenty per cent discount. This would have saved more than \$300 in my agency. Somebody must gain, others lose this difference. But on the principle disclosed by the auditor in his *expose* last year, in which he proposed that non-residents should pay their taxes at Columbus, to save the expense of the salaries of the district collectors, this difference or loss which I mention is of no consequence, so long as it does not fall on the state treasury. I would suggest to the honorable auditor another item of his system of saving—that is, to require every person taxed in the state to go to Columbus, make his obeisance to the auditor, and pay his tax there. By this method the auditor would have a galaxy of glory formed around the portrait of his wisdom, for it would save to the state treasury seven or eight per cent on the residents' tax, which the county collectors now filch or suck from the treasury. Would not such financial talents claim for him a statue, erected in a trio with Pitt and Hamilton?

“It is a false and pernicious principle, too much interwoven in our laws and state business, to disregard the time and expense it costs the individual to comply with the requisitions of the state, so long as that time and expense are not paid out of the treasury. It seems to have been forgotten, or not known, that any extra trouble or expense to which an individual is subjected in paying the public burdens, is a direct tax or loss to the community, for all our resources are derived from the industry of the individuals composing that community. The least possible inconvenience should be imposed on the person of whom a tax is demanded. A *civil* highwayman would not

knock a man down, if he could get his purse without it; so a civil government ought not, in peremptorily requiring a citizen to pay one dollar to support that government, put him to the inconvenience of spending half a day, or half a dollar, to do it.

"I hope some system of taxation will be devised by the legislature in lieu of the present unequal one. You know what we want, but to effect it—there's the rub."

During the session of 1819–20, the establishment and improvement of roads, and the building of bridges, claimed a large share of the attention of the legislature. These improvements were of the first necessity in a comparatively new country, to promote its development, and secure the comfort and convenience of its inhabitants. Congress had granted to the state for the purpose of laying out, opening, and making roads, three per cent of the moneys received from the sale of public lands in Ohio; and at this session \$59,000 was appropriated from this fund to that object; and in the distribution of the money \$1,000 fell to Washington county. The unsatisfactory condition of the banks had not only prostrated business, but had seriously embarrassed the state, and delayed the payment of the three per cent fund. In answer to a letter of inquiry from Judge Cutler, the following was received:

"TREASURY OFFICE, COLUMBUS, *July 17, 1820.*

"DEAR SIR:—Yours of the 5th inst. was just received. I received from the Treasurer of the United States a draft for \$40,155.27, of the three per cent fund, upon the bank of Steubenville; from that bank I have taken nothing worse than their paper, which is specie funds; but you may recollect that on investigation of the funds of this department, that there remained and was intermixed with the general revenue more than eleven thousand dollars of former appropriations of the three per cent fund, and which I have been paying out in proportion of one-fifth from the general revenue, but am in hopes that I may effect some exchanges of the general revenue, as I this morning learned that the Miami Exporting Company's paper is

looking up; and can therefore inform you that I shall pay the three per cent certificates in specie funds.

"And as the general revenue at this time consists of nothing better than Miami Exporting Company's paper, Lebanon, Miami B. Co., Urbana, and Bank of Cincinnati, I can not discharge an audited bill on the general revenue unless the above-named paper will do it. Mr. Osborn and myself have had one trip to the western banks on the business of exchanging, and with all the exertions we could make only succeeded in getting from the Miami Exporting Company Bank enough to pay the penitentiary debts to individuals in Pennsylvania; and from the other banks nothing but fair speeches. I intend visiting the banks again in September, and, if possible, to better the general revenue, as the demands of public creditors are pressing; and as there is more than \$30,000 of uncurrent paper at this time in the treasury, it makes my situation very unpleasant; and in a number of instances have paid out my private funds on audited bills; and, like many others, can not draw my quarter's salary.

"If it should so happen that no exchanges of the general revenue can be made, I shall be compelled still to pay from 1-5 to 1-10 of the three per cent certificates from the general revenue; but that part shall be as good as is in that fund. But I am at this time paying good funds for the three per cent certificates, and no exertions on my part shall be wanting to continue to do so, and to deal out to each applicant equal and exact justice. I need not mention to you the suspicion and distrust entertained of nearly all bank paper, and the distracted state of the currency of the country, and the prudent management necessary by the citizens and moneyed institutions, in conjunction with this department, to better the circulating medium of the state.

"Accept the assurances of the regard of

"SAM'L SULLIVAN,

"Treasurer of Ohio.

"E. CUTLER, Esq."

In January, 1822, a joint resolution passed the legislature authorizing the governor to appoint commissioners to report a system of education adapted to common schools, in pursuance of which the acting governor, Allen Trimble, in May following, appointed Messrs. Caleb Atwater, John Collins, James Hoge, Nathaniel Guilford, Ephraim Cutler, Josiah Barber, and James Bell. On this subject, the governor, in his message to the next general assembly, says: "The acceptance by the commissioners of the appointment to so laborious a duty is evidence of their zeal in the cause of education, and from their known abilities it may be expected that much useful information will be presented to the legislature on this highly important and interesting subject—a subject justly demanding the attention and undivided aid and support of the representatives of an enlightened, free, and independent state."

The commissioners met in Columbus in June, and organized by making Mr. Atwater their chairman; and directed him to prepare a circular letter to be addressed to all such persons as had charge of the school lands in Ohio, requesting information respecting them. At this meeting the counties of Scioto, Jackson, Pike, Lawrence, Gallia, Meigs, Athens, Hocking, Morgan, Monroe, and Washington were allotted to Ephraim Cutler to ascertain the state and value of the school lands within their limits, and to collect other educational statistics. He devoted much time and thought to these investigations, not only by correspondence, but by personally visiting many points, in order to secure the knowledge desired.

Several years later, Judge Cutler wrote in reference to these services: "Being somewhat of an enthusiast in favor of the diffusion of education through all ranks of society, I engaged with a willing mind, and at no small degree of personal labor and fatigue, to fulfill the duty thus imposed upon me, and persevered until I had collected a large amount of statistical information respecting the improvements made on the school lands in the several counties allotted to me. It was no easy matter to get the neces-

sary information to make out a statistical table exhibiting the state, value, and rents of these lands in so large a district; and in consequence of the great difficulty in obtaining accurate and full accounts it was incomplete. If my recollection serves me, it was the only thing done in this direction at that time, for very little other statistical information was collected. In my researches I found that in some instances lands had not been appropriated by Congress agreeably to the conditions agreed upon when we came into a state government; but these have since been obtained by a special act of Congress."

In August, 1822, the school commissioners met again in Columbus, and as the result of their labors and investigations, directed their chairman to prepare a report to be submitted to the next general assembly. This report consisted of a bill proposed for regulating common schools, and a pamphlet showing the condition of the school lands.

In this connection, a correspondence on the subject of the school lands is here subjoined. Judge Cutler, in a letter dated November 16, 1822, writes to Hon. William Rufus Putnam, a most intelligent and thoughtful observer, as follows: "Sickness and the most pressing business combined have prevented the close attention which duty and inclination would have induced me to pay to the subject of schools, and especially to the situation of the school lands within the Ohio Company's Purchase. I am particularly anxious to have an official statement from you of the grant, with its conditions, of No. 16, within the tract of 214,000 acres of army lands within the Purchase, which lot was granted by the Ohio Company. It appears that it is really necessary to have either the general law adapted to the conditions of that grant, or that a special law be passed having reference to those lands only. I earnestly request you to aid me with your ideas on the whole subject, which will be before the school commissioners. What do you think of a general trust in one or more commissioners, to superintend not only the fiscal matters, but the

real state of education? A thought of this kind has transiently passed through my mind."

To this letter, Mr. Putnam replied, December 23, 1822: "Your favor of the 16th of November is before me. Having an opportunity by Mr. Whittlesey, agreeable to your request, I now inclose an extract from the records of the Ohio Company containing all that relates to the sections mentioned by you. I have not time to give the subject of schools, etc., as thorough an investigation as I intended, notwithstanding, such as my reflections have been, will candidly be submitted. The grants constituting the public funds for the support of schools we will first notice; the provisions in the ordinance of 1785 you will recollect, and to what tracts of country they apply; that these were specific appropriations to the respective townships has not as yet been doubted. On this principle the propositions of Congress, contained in the 'act enabling the people of the eastern division of the territory northwest of the Ohio to form a constitution and state government,' were predicated (see prop'n 1st): 'That the section No. 16, in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the *inhabitants of such township* for the use of schools.' These propositions were afterward modified, but this principle retained (see the act of modification): 'Section 3. That the sections of land heretofore promised for the use of schools, in lieu of such sections No. 16 as have been otherwise disposed of, shall be selected by the treasurer out of the unappropriated and reserved sections in the most contiguous townships.' And, further, this principle by the fourth proposition of this last-mentioned act, looks even to the lands lying in the State of Ohio, to which the Indian title had not been extinguished. These lands can not be thrown into a general mass. The appropriations for the U. S. Military Lands, the 'Connecticut Reserve,' and the 'Virginia Military Reservation' I consider as specific grants to each; and that these, with those above, are vested in the legislature, in *trust* for the use of schools only. This trust

the legislature will manage in its own way; but they can never apply the proceeds arising in one township to the benefit of another any more than they can those arising from the grant to the Connecticut Reserve to the benefit of the Virginia Military Reservation. That they have power to delegate their trust, and to vary the same, whenever it will not interfere with *bona fide* contracts predicated upon their former acts, there is no doubt in my mind.

"The sections supplied to the ten townships by the Ohio Company stand on very different ground; they are the private grant of the Ohio Company, the same as an individual, pointing out the mode of their regulation, and upon certain abuses authorizing the legislature, on application, to take charge and provide for them by law. If the legislature could now so far interfere as to preserve the property it would be well. The question has been asked me by the auditor whether these lands were not subject to taxes? Perhaps it would be well to examine into this subject.

"It has been said again and again, that these public lands were of no real value, that the time expended in legislating upon them cost the state more than they were worth. This is true in some sense, but the evil has not arisen from the liberality of the grant, but from the abuse. Is there any thing of a public nature but that has been made handy change to purchase suffrages? That class of citizens which has uniformly settled upon those lands, possessing nothing, have had the effrontery to ask more attention from the legislature than any other; those evils must be attributed to the lowness and corruptness of the public morals. Shall we now abandon these donations because they have been perverted? This will not remunerate the state for the expense it has been at, neither will it be fulfilling the trust deposited with us for posterity. Were our school lands in the situation of the funds of Connecticut or New York I would advise to convert them into money, but situated as they are, it seems to me prudent to use them for our present advantage, and secure to posterity their use, with the enhanced value.

"As to the education of our youth, I would suggest the following plan generally: Make it the duty of the trustees in each township to divide the same into convenient school districts, having regard to the number of inhabitants in each, making them as nearly equal as possible, among which the funds arising from section 16 should be annually divided in equal parts, viz: where there shall be four districts in a township, each one shall have one-fourth part of the funds for that year; provided, always, that each district should procure to be taught in the same a free school for three months, or a quarter each year, by taxing themselves or raising the amount by subscription, which, together with the dividend of funds, should be equal to procure a teacher qualified to instruct in reading, writing, and arithmetic; and provided the said teacher shall have been approved of as a suitable and adequate teacher of the branches aforesaid by the trustees of the township. . . . The qualifications of the teachers may be said to be low, but when we consider the state of society, I think, however, we may desire to see our youth well instructed in grammar, etc., yet this ought not to be required of a teacher to entitle a district in the participation of the funds. That the rising generation shall be able to read, write, and cast accounts generally will place them upon a common level with their fellow citizens of the United States, and that this will be the case, and the happy result of the united efforts of your present commission, is the ardent desire of your obedient humble servant,
"W. R. PUTNAM."

A series of articles on "taxation," signed "Publius," appeared during the autumn of 1822 in the *American Friend*, a newspaper published at Marietta. These were written by Judge Cutler to call attention to the defects and inequalities of the existing system, and to expose the injustice to which this section of the state had been subjected, in being required to bear more than a due proportion of the burden of taxation.

The year 1822 was one of those remarkable years, long

remembered as the "sickly seasons," which, for a time, desolated the region bordering upon the Ohio. He, with his family, was prostrated with fever, and a beloved son (Manasseh) was removed by death. As soon as his health permitted, a journey across the mountains was made necessary by the fact that a valuable drove of cattle had been sent forward to the South Branch of Potomac; and also a large drove of hogs for the Baltimore market. He had been re-elected to the house of representatives, but these circumstances had delayed him, and it was late in December before he reached Columbus.

At this time Washington and Morgan counties were united in representation. His right to a seat was contested by Judge Sherebiah Clark, of Morgan. Judge Clark submitted his documents and testimony to the committee of privileges and elections, who decided against him. "As there was no evidence to prejudice his claim," the committee recommended that the house adopt a resolution "that Ephraim Cutler, Esq., is entitled to a seat in this house," which was done.

He writes to Mrs. Cutler, December 30, 1822: "I have not written to you as soon as I ought, but if you knew the anxiety, and saw the difficulties I have had to encounter you would excuse me. 'Grit' has done and said all of which nature made him capable, against me; but, to his mortification, I had the unanimous vote of the house that I was entitled to my seat. I was immediately appointed one of a committee to wait upon his excellency, Governor Morrow, and have received more than a cordial welcome from all my old acquaintances.

"I have this day offered a resolution which has for its object to place our taxation system on a principle of *ad valorem*, and have a fair prospect of carrying it through both houses."

The resolution referred to in the foregoing letter is found in the house journal, December 30, 1822:

"Mr. Cutler moved the adoption of the following resolution:

"Resolved, by the general assembly of the State of Ohio,

that it is expedient to adopt an equitable system of taxation.

"Resolved, that to attain this desirable object, the committee which shall be appointed for the purpose of making a general revision of the laws be instructed to revise the revenue laws now existing, and to report a bill to the next general assembly which shall provide that houses and lands shall be taxed according to their value; and that commercial capital, or the profit arising therefrom, also money at interest, shall be taxed in an equitable proportion to other taxable property." This resolution passed the house by a vote of yeas, 39; nays, 27.

January 17, 1823, he writes to Mrs. Cutler: "The resolution I have introduced relating to an equal system of taxation has been adopted by the house, and I believe it will be by the senate. They give me the credit of being the originator, from all parts of the state, and it is gaining strength every day." As anticipated, the resolution subsequently passed the senate.

January 24, 1823, he writes to William R. Putnam, Esq., as follows:

"DEAR SIR—Your valuable letter by Mr. Whittlesey was received, and I most sincerely thank you for this instance of friendship. I have taken the liberty to communicate your ideas to the leading members of the committee on schools. They, however, differ from us in opinion, as you will see by the report which I shall transmit to you, respecting the power of the state to sell the land.

"Kentucky has followed our example, and their commissioners have made a very able report, accompanied with documents that go to prove that the system of Massachusetts is the most simple, that of Connecticut the most effectual. New York's is copied from Connecticut; and no state south of these has ever done any thing except South Carolina. They recommended the adoption of the Connecticut system with some modifications.

"You will see the bill reported by the school commissioners. It is the work of Caleb Atwater, as was also the commissioners' report. The report of the school commit-

tee was prepared by Mr. Piatt, of Cincinnati. It augurs well to find so much ability deeply engaged in promoting the interests of common schools. We may confidently expect some good to result, eventually, therefrom.

"The legislature has passed a resolution which provides that the governor shall appoint a committee of three to revise the laws of a general nature. I have introduced a resolution to instruct the committee of revision to revise our revenue system, and to report a bill at the next session, which shall provide that houses and lands shall be taxed according to their value; that mercantile capital or profit, and money at interest, shall be taxed in an equitable proportion to other taxable property. This has passed the house, and I have a strong hope that it will the senate.

"All business of a public nature is now crowded off for that of the committee of revision; there is much private business yet to be acted upon, but the legislature will probably adjourn next week."

The report of the seven school commissioners appointed by the governor the year previous, and referred to in Mr. Cutler's letter as the work of Caleb Atwater, was submitted to the legislature early in the session by Allen Trimble, speaker of the senate, and a joint committee was appointed to consider it and report thereon, of which committee Mr. Piatt, of Hamilton county, was chairman. The report of this school committee was made by Mr. Piatt, January 8, 1823.

At this time Ohio was without a school system, and any attempt to establish common schools by law met not merely with apathy, but with decided opposition. The existing laws relating to the subject were local in their application, and in their nature defective, inconsistent, and altogether inadequate. The state was without a school fund, although the general government had made the liberal grant of one thirty-sixth of the land within the state for school purposes. Some of these lands had been disposed of on permanent leases, some had been squandered, but four-fifths of the whole were still at the dis-

posal of the legislature; and in order to form a school system, and secure its success, it was now proposed that these lands should be sold and a permanent school fund established similar to that of New York or Connecticut, each of which states had then a fund amounting to about \$1,600,000, the interest of which was annually appropriated to the support of schools, and it was anticipated that the school lands of Ohio would eventually yield as large an amount.

Mr. Piatt, in his long and interesting report, says: "The plan of the school commissioners, exhibited in their report, is believed to be the best adapted to Ohio, viz: That the court of common pleas in each county appoint five commissioners of common schools, whose duty it shall be to lay off the same in convenient school districts, examine the teachers employed, and if they are found duly qualified and of good morals, to certify accordingly, which certificate shall authorize the district trustees to employ them, and not otherwise." The committee recommends that there shall be a superintendent of common schools, who shall have the management of the school fund, and report annually to the legislature school statistics, and suggest improvements of the system. After reviewing the whole subject of schools and the school lands, the committee also recommend the repeal of the laws authorizing permanent leases, and advocate the sale of the school lands and the forming of a permanent fund, the profits of which shall be devoted to the support of schools. The report urges that "there is no time to spare; most of the adults in our state have received their education in other states, but the rising generation are miserably destitute of these benefits." Thus year after year the importance and necessity of a school system was urged upon the attention of the legislature, and still they hesitated, and did nothing.

Mr. Cutler was present in the house a little more than one month during this session, which closed January 28, 1823. His vote is recorded in favor of a proposed amendment to the Constitution of the United States, which was

in these words: "No person shall be eligible to a seat in either house of Congress, or capable of holding or enjoying any office of honor, profit, or trust under the government of the United States, who, after the ratification of this article as a part of the constitution, shall fight a duel, or aid, or encourage others in so doing." This passed the house by a vote of 53 to 13.

CHAPTER VII.

SERVICES IN THE OHIO SENATE—1823-1825.

In October, 1823, Judge Cutler was elected senator from the district composed of the counties of Washington and Athens; and Mr. William Skinner representative of Washington county in the ensuing legislature. He writes from Columbus, December 6, 1823, to Mrs. Cutler:

"I arrived here Saturday, without accident. Mr. Skinner and I have taken boarding at Dr. Goodale's, where we have an abundance of company, and a pleasant room by ourselves. I can give you little news respecting public business; I believe, however, there will be an earnest attempt to effect some salutary changes. I am, as yet, very little acquainted with the new members, but think favorably of them.

"I have presented a memorial from the Ohio University, which is submitted to Cutler, Buckingham, and Jennings. I hope we shall obtain something beneficial for the institution. I am on the standing committee for schools, and believe we shall agree upon a useful report."

December 21, 1823. To Mrs. Cutler: "The legislature has progressed well in the revision of the laws; they are now employed in revising the criminal law; much debate has ensued on the question of again resorting to the barbarous mode of whipping and the pillory; in the senate whipping is rejected, but the pillory is retained.

"So far as I am able to form a judgment, there is as much talent, harmony, and industry as is usually assembled in the legislature. I have my hands full. In addition to other duties, I am chairman of the committee to whom the revenue system is referred, and am expected to devise a new system.

"Of course I feel very sensibly the responsibility of my

present situation. I must rely alone upon Him, who has the hearts of men in His hand, and who enlightens the understanding, and strengthens the hands of those who, with truly humble confidence, put their trust in Him.

"We have appointed Rev. James Hoge, of Columbus, and William R. Putnam, Esq., of Marietta, trustees of the Ohio University. I have a strong hope we shall accomplish something this winter for the university, for common schools, and for the poor in lightening their taxes; but I may be disappointed. My old friends here have received me with renewed kindness. I, for the first time in the senate, made a speech yesterday. I was frightened, and made a poor out."

January 3, 1824. To Mrs. Cutler: "The Rev. Jacob Lindley will be the bearer of this letter. He has been here to meet with the committee of the Trustees of the Ohio University, appointed to select a suitable person for the office of president of that institution. We met day before yesterday, and unanimously agreed to recommend to the board the Rev. Dr. Wilson, of Chillicothe. I have prepared a bill for the relief of the Ohio University, which is opposed, and I do not know what its fate will be. The school and taxation business is also a constant burden. It is irksome to have the mind continually on the stretch, or, I may say, on the rack; and painful to see systems which have cost sleepless nights and laborious days in the preparation mangled by short-sighted ignorance."

To Mrs. Cutler, January 15, 1824: "I was never in my life placed in a situation so arduous and difficult as I have been through this whole session. You well know my feelings in regard to the Ohio University, and can also understand what was expected of me. My mind and time were very much taken up with this subject until it passed the senate. I was put constantly on the defensive, and had to parry, answer, and sometimes retort attacks, which were very trying; my success, however, in the senate was flattering; it was an appropriation of \$3,000 by a

vote of twenty-three in favor, and only ten against it. I very much fear its loss in the house.

"I am on the school committee and on the revenue committee, two of the most important of the session; of the latter I am chairman, and it has devolved upon me to prepare an entirely new system of revenue for the state. I have reported one bill on this subject, and have another nearly ready. I have labored at it incessantly, and have not allowed myself more than four hours to sleep in the twenty-four for three weeks past. My friends say I look sick; although I can not eat or sleep, my bodily health is good. Not only my reputation, but the good of my country is at stake, and much depends upon how I am enabled to discharge my duty. This, with the necessity of close application in reading, and intense thinking, in order to digest a subject so difficult and interesting, which has for years appalled the best talents of the state, has become a burthen almost too much to bear. Mr. H. D. Ward is now with us; he assists me in copying my bills."

To Mrs. Cutler, January 17, 1824: "I am much engaged on the revenue laws, and hope to be able to report the second bill this day, which will, I trust, give me some small respite. You know when my mind is intensely engaged, I can neither eat nor sleep. One cup of coffee in the morning, one of tea at supper, with little else, and an equally light dinner, has been the way I have lived for several weeks. I regret that I undertook this immense labor. I despair of effecting the passage of these laws this session, but some good may, hereafter, grow out of bringing the subject fairly and fully before the public."

On the 19th of January he again writes to Mrs. Cutler: "I am still occupied with the revenue system. It is a load I am entirely insufficient to sustain. If I had more sensibility I should undoubtedly sink under it. For one person, alone, to attempt to change the whole revenue system of a great and powerful state, almost without a hint from another, and to have the temerity to think that his crude and, perhaps, badly digested notions can be made to succeed, may well be considered by a sober, reflecting mind

to border on madness. Your husband has undertaken this unpromising thing, and that he feels the pressure of such a 'mountain' you may well imagine. I am encouraged by believing that the cause is one of the highest importance to my country, and that from its success great benefits will result, in relieving the poor from their burdens, by providing an equitable way to call forth the revenue of the state, and thus provide for the support of schools and seminaries of learning; and for making roads, canals, etc. These reflections sustain me, and I am certain that the system will prevail. Yes, hereafter, some man of talents will seize on the track that your husband has had the boldness to point out, and will pursue it, and claim high applause for his success."

Again, January 25, 1824: "I have reported three bills relating to the revenue system, and am now preparing a fourth. I do not know but they will all be negatived, but I shall have done my duty, and a laborious duty it has been, indeed. I have the satisfaction to see, and to know, that my labors are approved by many, and of these a good number are among the best in this legislative body. I have this evening met with the school committee, who have agreed to report a very long bill on the subject, prepared by Mr. Piatt. This, and the revenue bills, must consume much time, and we have our table covered with a great number of others. We, however, are all very industrious; I am every moment employed. I have taken part in no debates but such as were of an interesting character to our own section of country.

"Mr. Skinner makes an excellent member; he agrees with me in things of general interest, as yet, and in future will, I think, continue to do so."

The last letter written to Mrs. Cutler during this session is dated February 12, 1824:

"I forget when I wrote last. I recollect I was overcharged with cares and troubles at the time. These matters will be themes for discussion between us, if Providence kindly permits me to return to my home once more. I feel that but little of what I hoped will be realized this

session. I have toiled by night and by day, and fear I shall have to say in the end 'nothing is caught.' My disappointment respecting the appropriation for the Ohio University was great. I had my expectations raised, and felt much regret at seeing them dashed to the ground, principally for want of support from our part of the state in the house of representatives. I am exceedingly anxious to be at home, and hope that I shall be by the 28th of this month."

Among the letters received this winter by Judge Cutler worthy of preservation, which exhibit some of the deficiencies of the tax system then in use, is one from David Putnam, Esq., a gentleman of intelligence, and largely interested in lands as an owner, and as agent for non-resident proprietors. It is here given:

"MARIETTA, 16th December, 1823.

"DEAR SIR—I transmit to you a list of lands in Washington county, advertised by the auditor as delinquent for taxes prior to the year 1820, on which judgments are to be moved for at the next term of our court, which I believe you will think, with me, is an extraordinary document. My object in sending you this is with the hope that the legislature will interfere and stop this proceeding before it be too late; and before the state, the county, and individuals shall become involved in a labyrinth of useless and vexatious costs and perplexities. By the proceeding, the state will gain neither land nor money. The county is a loser already. If individuals have not so much common sense as to keep their fingers out of the fire, the legislature, as the common guardian, ought to protect them against harm. A few suppositions will show the proceeding to be a preposterous measure.

"Suppose the auditor should proceed (as by law he is required) to obtain judgments on this list of cases, amounting to 550, and then the court should tax the costs in the several cases as the court in Highland county has done, viz: \$5.75 each—these costs will have accrued by law, according to the judgment of the court. Somebody ought

to pay them. Will the state pay them? Every man will say, no. Shall the county pay them? We are not a party to the suit, and therefore say, no. Shall the lands be made to pay them? They will not be worth the taxes and costs. Shall the auditor and clerk of court perform the duty gratis? They will say they work for their bread, and that a laborious office without pay will not fill their bellies. Well, nobody will pay them; they must therefore be obtained from the land, or lost.

“Suppose, again, that judgments are obtained for amount of taxes and costs; the auditor is to sell the land (if he can) for the amount; but if no person will bid the whole amount, the land is not to be sold, but ‘shall be considered as forfeited to the state, and shall become the property of the State of Ohio,’ says the law. We, the people, think not. When the English admiral at Newport threatened to hang old Commodore Whipple at the yard-arm, the commodore replied, ‘Catch a man before you hang him.’

“Suppose, again, that the taxes on three-fourths of these lands have been paid (which, I presume, is the case), is the real owner, who has the collector’s receipts for the taxes in his pocket, bound by any law of this state, or of common sense, to carry these receipts to court and show them to the auditor in order to protect his land against an unlawful claim?

“Suppose Lydia Bliss, the widow in this list, to protect her half acre and little cabin, should have the presumption to meet the auditor in court and contest the claim of the state to their fourteen cents tax, alleging she had paid it. The law says the court may summon a jury to try the same. And suppose at the trial the widow should produce the collector’s or the auditor of state’s receipt for the tax, would she be acquitted from any charge? No; the law says that each member of the jury, on the rendition of their verdict, shall receive the sum of fifty cents, *to be paid by the defendant*. In this case the widow, guilty or not guilty, she must pay six dollars. You remember the

decision of our old friend, Justice Brough, who rendered judgment for the costs against the witness in the case.

"Suppose, again, that Lydia should not appear in court and exhibit her receipts for the taxes; the auditor would obtain judgment, and proceed to sell the widow's cottage and premises; and some person eager for a speculation should bid off the whole half acre, and then bring his ejectment to oust the widow. Would she not, on the trial, be permitted to show the collector's or state auditor's receipt for the tax, and thereby show that the proceedings and sale by the auditor were void *ab initio*? And to whom would this sharp-sighted speculator resort to recover back his money? The state would say, that we provided by the fifth section that we would pay nothing. You bought the widow; you must take her, better or worse. By hook and by crook we got our fourteen cents, which is all we demanded. *Caveat emptor*, you may whistle for your speculation.

"But to be a little more serious on this really serious matter. This whole law which goes to levy and collect an annual tax from the beginning of the nineteenth century to the year 1819—twenty years (for the legislature, by enacting this law, have virtually abandoned all their rights by the laws by which the tax was created), is a burlesque on legislative enactments; and if the proceedings are persevered in will bring the state into contempt among her sisters.

"But what is the state to gain? In this county, I will venture to say, not one-quarter of the amount of the costs that will arise can be made by the sale of the land. Who, that has any regard to the title which can be acquired under this law, would buy the land? If our state courts should be so obsequious as to carry into effect a law containing such novel principles as abrogate the universally established principles of judicial proceedings, merely because the legislature has enacted it, thereby acknowledging themselves not a co-ordinate, but a subordinate branch of the government, which I hope they will never do; still there will be left, especially to the non-resident proprietor,

recourse to the United States courts. And what lawyer would hazard his reputation by advising an ejectment on a title acquired by this law in those courts?

"And, as it respects this county, another thing ought to be considered: the county, instead of acquiring any thing by a portion of the state tax, will be brought in debt by this system. From 1820 to 1823, the county receives, nominally, 25 and 20 per cent of the state tax. I will send you a document which the auditor gave me, from which it appears that for the years 1820, '21, '22, and '23, the county's proportion of the tax is \$1,099.243. In the same years the county will pay, merely on account of the expense of the state tax, \$1,129.09. The county's proportion of the state tax is calculated after deducting the defalcations on the state and road tax. The expenses paid are the auditor's services only, about the tax and printing.

"I really wish this subject could be investigated; I presume there are other counties in a similar predicament. The people are put to a great and unnecessary expense without any advantage arising from it.

"I believe if the state would abandon all the arrearages of taxes, it would be a saving to the treasury and the people. If the system is not abandoned you may try almost any thing, you can not, without a good deal of ingenuity, make it worse.

"At the printing office to-day, I found a number of advertisements of county auditors for sale of lands on judgments obtained under this extraordinary law. I was struck with the diversity of bills of costs taxed by the courts in these land judgments. The costs, in each case, were taxed as follows, namely: Ross county, \$1.51; Perry county, \$2.61; Scioto, \$1.76; Champaign, \$1.91; Highland (properly named), \$5.17. These are judgments of the respective courts, *irreversible*, for the law says there shall be no appeal or writ of error. Will the legislature suffer all these absurdities, contradictions, and, I may add, legalized oppressions to pass before them without an investiga-

tion, and without an attempt to correct the procedure?
Your obedient servant, D. PUTNAM."

The gross injustice and inequalities of the system of taxation in Ohio, as Mr. Cutler found it when he began his efforts for reformation, may be shown by a statement which he compiled at the time from official records. The United States law, passed during the war of 1812, was the first and only application of the *ad valorem* principle of taxation made in Ohio. The returns, made in 1815, of the assessors appointed under that law, afford a fair estimate of actual values as then existing in different parts of the state. By these returns

Hamilton county was valued at.....	\$5,604,636
Butler " " " "	2,471,888
Warren " " " "	2,574,538

Making a total valuation for the three counties..\$10,651,062

By the same returns of the United States assessors:

Athens county was valued at.....	\$517,182
Gallia " " " "	533,320
Washington " " " "	705,538

Making a total valuation for the three counties..\$1,756,040

If the United States direct tax had been collected according to valuation, the share of taxes for Hamilton, Butler, and Warren would have been (at the rate of one mill and 67-100 on a total valuation of \$61,347,216) \$17,915, and the proper share of Athens, Gallia, and Washington would have been \$2,952. But the wealthy counties had influence enough in the legislature to have the state pay the United States taxes by raising the amount in loans, and collect it, subsequently, off the counties under the old system of first, second, and third rates of lands. The result was that the rich counties of Hamilton, Butler, and Warren actually paid only \$5,735, while the poorer counties of Athens, Gallia, and Washington paid \$8,397 of the United States tax.

The explanation for this gross inequality is shown by the fact that in 1821 Hamilton county paid, under the rate system, only \$1,861 into the state treasury, while Washington county paid \$2,166. One of the arguments urged by Mr. Cutler for a better system was that the cities where there was the largest concentration of population and wealth required the protection of efficient laws to a greater extent than sparsely settled farming communities. He presented the following illustration: Hamilton county drew out of the state treasury \$4,087 for judicial, criminal, and legislative expenses, and paid in \$1,861; Huron county drew out for the same expenses \$662, and paid in \$2,490.

No plan or system had been proposed, no efficient effort made to correct these inequalities, until Mr. Cutler undertook the task in behalf of his oppressed constituents. The wealthy portions of the state were content to enjoy their advantages; they had the legislative power in their own hands, hence the strong opposition he first met with. Probably the principal motive that brought them to his assistance is to be found in the support that his plan of taxation would give to the credit of the state abroad: To build canals they must have foreign capital. The *ad valorem* system of taxation, passed in 1825, after years of arduous labor by its author, was the true basis of that public credit which has given to Ohio her proud pre-eminence ever since.

Mr. Nahum Ward* writes to Mr. Cutler from Marietta, January 6, 1824:

* Nahum Ward, Esq., was born in Shrewsbury, Mass., October 23, 1785, and was a grand-son of Major-General Artemus Ward, of the Revolutionary Army. Mr. Ward came to Ohio in 1809, and in 1811 settled at Marietta. He soon became largely identified with the landed interests of south-eastern Ohio; about 1824, he owned 37,000 acres of land in Washington and the adjacent counties, and during his life in Marietta the title of more than 100,000 acres of land, in the Ohio Company's Purchase, was vested in him. He was an enterprising public-spirited citizen, a man of refined, cultured taste, and dignified, courtly manners. He died in Marietta April 6, 1860. (History Washington County.)

"I am extremely happy to see, by the papers of Columbus, the many strong movements you are making for a reformation in the affairs of the state. The revenue system, as it now stands, is most unjust and oppressive on this section of the country, and it is a fact that, unless some measure for relief is, by the present legislature, adopted to enable and compel every man to pay according to what he possesses, I, for one, must abandon my lands to the state, for I can not pay the enormous tax. I can state to you as a fact (but this is wholly unnecessary with you), that 640 acres of land one mile from Cincinnati, on the bank of the Ohio, in the narrows, that will sell for cash at \$50 per acre, pays no more tax than section 31, town 3, range 15, of 640 acres, for which I would be glad to receive twenty cents per acre, and make as good a title as can be made, which shows at once that I pay as much tax on \$128 as my friend in Cincinnati pays on \$32,000. I know that redress may be had by appealing to the Supreme Court of the United States, but that I can not do.

"I do believe most sincerely that the state taxes that have been paid on at least one-half the lands of the Ohio Company's Purchase for the last seven years would, at this day, purchase the land from the owners.

"And then, again, we not only have to pay the regular assessed tax, but are brought in for most grievous bills from the county auditors for schedules and printing of delinquent lands returned by the auditor of state, when, upon examination of the books, it is found the collectors have given receipts, and nothing is due. Even the great Ralph Osburne himself has given receipts for taxes, and then turned 'round and said to the public, 'I will sell this land for taxes.' I have, in the county of Meigs, above 2,700 acres of land advertised in the papers for sale, on which the taxes have been paid, and I have the collector's certificates in my office. This land I transferred myself in the auditor's office in Columbus, in 1818. Shall I be compelled to travel down to Meigs, forty miles, and hunt up the auditor of the county, and show him my receipts, or let them go on and get judgment against my land and

sell it? I shall write to the auditor of Meigs county, but not go one inch to show my receipts. It is enough for me to pay my taxes annually, without exhibiting my receipts to serve a blunderhead at Columbus.

"I beg for God's sake, and yours and mine, together with all honest men's, that you will bring about a new system of revenue upon something of a rational footing. If some redress is not had, I can not, and will not suffer in this way. I will decline to pay taxes on poor lands hereafter."

Again, Mr. Ward writes to the same on February 6, 1824:

"I am much gratified in seeing, by the public prints, that your new revenue system is about to be laid before the people. I pray most earnestly and fervently, that it may be accepted by the assembly, and prove satisfactory to all classes of society, for the honor of the state, and the gentleman who dared to take such a burthen on his shoulders. I am, as you know, deeply interested in the fate of your bill."

The next session of the general assembly of Ohio began at Columbus on Monday, December 6, 1824. It was the last of which Judge Cutler was a member. He took his seat December 7th, and the next day was appointed chairman of a committee of three to examine the journals of the last session, and report the unfinished business of the senate, from which committee he reported December 11th:

"A bill to provide for the regulation and support of common schools."

"A bill to provide for the valuation of lands and real estate."

"A bill to provide for listing and valuing personal estate for taxation."

The last two of these bills were referred to "the joint committee of finance," appointed to take into consideration "so much of the governor's message as relates to the finances of the state."

The senate journal does not give the names of the four members of the senate who were placed on this joint com-

mittee, which was one of the most important of the session. From letters written during the winter, it appears that Mr. Cutler and Mr. Wheeler, of Ashtabula and Geauga, were two of the number; probably Mr. Buckingham, of Muskingum, was a third, but the fourth is not identified. Those on the part of the house were Messrs. Worthington, Case, McCorkle, Blickensderfer, and Corwin.

In his message to the general assembly, Gov. Morrow says: "The subjects which will claim the principal share of your attention at the present session, undoubtedly, will be the project of the contemplated canal from Lake Erie to the Ohio River; and in connection with it the revenue system and general fiscal concerns of the state." Of the canal he says: "The advantages being unquestionable, and the natural practicability of the work being satisfactorily ascertained, the subject thus far presents itself in a favorable aspect to the legislature." But he adds, "however beneficial the improvement may be when completed, and to whatever degree of certainty its practicability, with the application of proper means, may be reduced; still, unless a fund real and adequate to the object be provided, it can not be carried into effect."

On the resources of the state, he makes the following remarks and suggestions: "The surplus revenue, on the most favorable estimate, is a fund in amount much below what is required to effect the object in view. It would be hazardous and improvident to engage in an enterprise, requiring an expenditure of several millions, and a period of years for its execution, with an insufficient provision for funds. A ruinous failure in the undertaking might ensue, after large expenditures had been incurred, and in case of eventual success the burden of debt would be exceedingly increased. To depend on loans for the discharge of interest is a policy that no prudent government will resort to. The prospect of a progressive accumulation of debt, and the effect of a profuse policy to sink the public credit, will deter the most adventurous from the attempt. It would appear, then, from any calculation of the amount

of anticipated expenditure, a view to the state of the treasury, and to the approved principles of fiscal policy that ought to be pursued, that provision to replenish the treasury is indispensable; and it rests with the legislature alone to authorize a grant for the necessary supplies.

"No question is entertained of the capacity of the state, with suitable exertion, to furnish the adequate means, and that without the imposition of burthens oppressive to the people. It is believed that an annual tax much less than what was paid by the people of this state, in direct tax alone, for the support of the last war, would be sufficient, and which, to the honor of their patriotism, was paid without a murmur. It is admitted the call was more imperative and the means more abundant than at present. National rights essential to its independence were to be defended, and the means for contribution were furnished by the expenditure of the war. But in the present instance, too, there are interests of high merit involved. Interests which, although of the peaceful kind, warrant a call for contribution, on the part of the people, to carry into effect the object.

"The means of supply to constitute a fund for the discharge of interest on the necessary loans will be, retrenchment in the ordinary expenditure, increase of the present taxes, and a resort to new objects of taxation. The products to the fund from the savings by retrenchment can not be much calculated on. Without injury to the public service, they will be too inconsiderable to produce much effect. The principal reliance must be placed on an increase of the revenue. It is therefore respectfully submitted, the propriety of providing for an increase of the tax on the several rates of land, at least to the same amount that was charged immediately prior to the last session of the general assembly, and that the whole products of the land tax be made payable to the state treasury for state purposes.

"That a tax be imposed as follows: On judicial process in civil cases; on capital employed in trade; on pleasure and travel carriages; on brass and other clocks; and on

gold and silver watches; and that the product on such taxes, in whole or in part, shall be made payable to the county treasury of the respective counties wherein the tax is levied. That all moneys which have accrued and are unexpended, and moneys that may accrue to the three per cent fund, for roads (be, with the consent of Congress), appropriated exclusively in aid of a canal fund; and that the sections of land, unsold, in the reservation, at the Scioto Salt Works, be (with the consent of Congress) disposed of in fee simple, and the proceeds of sale appropriated to the same fund.

"From this proposed increase of the revenue it is presumed that, after the charge of the ordinary expenses of government, funds will remain to discharge the interest on such loans as will be required for the construction of such section of the canal as would in itself be used, and the products arising thence, be brought in aid of the fund."

The governor, in his message, also recommends "that provision be made for the encouragement of learning, and, in particular, for the regulation and support of common schools."

These extracts indicate the subjects which principally occupied the attention of the legislature during the winter of 1824-5. Mr. Cutler writes, soon after his arrival at Columbus, to Mrs. Cutler: "I am located again at Dr. Goodale's. I find many new faces; there are only ten old members in the house. I expect a laborious and arduous winter, but the legislature manifest a disposition to have a short session. The canal, and a system of revenue, are the absorbing subjects; their fate is intimately connected, and will probably be considered inseparable. I am certain we can obtain some relief from the burden of taxation, and shall endeavor to make the sum considerable for my constituents."

December 17, 1824, he writes: "I had the satisfaction, last evening, to find the committee of finance, of which I am a member, agree to the substance of my propositions for changing the whole revenue system, and adopting an

equal one of taxing people according to their property, and have a strong hope it will become a law when it is matured. In the senate, I have reason to believe, the majority in its favor will be respectable.

“The canal engages much attention. The commissioners have not reported, but have determined to come down the Muskingum nearly to Zanesville; then across to the Scioto, and down that river to its mouth. There will also be a canal constructed from Dayton to Cincinnati. Few other subjects of a general nature will be acted upon this session, and I hope it will be very short. The members who board at Dr. Goodale’s are Dr. Cotton, Judge Norton, Mr. Coleman, and Mr. Hubbard, all of whom I like. They are all Yankees, and we agree on general subjects, which has been very important in assisting to bring the advocates of the canal to the *ad valorem* system.”

December 28, 1824. To Mrs. Cutler: “I am gratified with the belief that the favorite wish of my heart, the plan for an equal system of taxation, will prevail this session. Mr. Buckingham, with whom I had some sparring last winter, boards here; he has treated me with great attention, and has come over, and is now a zealous supporter of all my views. He has become a warm advocate of the new revenue system, and has taken a very forward part in its support, and feels as though he deserves great credit, which I have freely accorded to him. The new members of the senate are also friendly to my views; of these, Mr. Guilford, who is a fine man, is a most efficient supporter of the *ad valorem* and school systems.

“I have just attended a meeting of our committee of finance, and am pleased to find in all harmonious and zealous co-operation. Mr. Case and Mr. Wheeler are the sub-committee to report the several bills for our tax system. We have been most industriously employed for some time, and shall soon have them ready to act upon. I have made one speech in favor of the old revolutionary soldiers, on the proposition to exempt certain property belonging to them from execution, and themselves from imprisonment for debt. I, this evening, received a letter from Mr. Vin-

ton, in which he urges me to persevere in my plan of taxation, which gives me some pleasure."

The speech in favor of the soldiers of the Revolution was reported in the newspapers at the time:

"Mr. Cutler said he had intended to give a silent vote on this question. He had not anticipated that any want of gratitude, or any vanity of speech-making, could possibly interfere with the just indulgence proposed to be granted to the warriors of the Revolution. But he perceived he was mistaken in his conjectures, and he now begged for himself the indulgence of the senate while he spoke a few words on the subject.

"He was not at all surprised that those who had been nursed in the bosom of despotism, and after their weaning had joined with us in a better kind of government, should exhibit a predilection to the pap they had sucked. In order to divest a man of such relics of improper education, it was necessary that he should accompany a Washington or a Bolivar in the rescue of a nation from slavery. But in the name of the God of mercy, the great origin of intelligence, he would ask if it were possible that any man born in the United States of America since the mental murder of James Otis by the cut-throats of Great Britain—since the bursting forth of the sacred determination to freedom—could hold a hard hand over the actors in that perilous emancipation of our country. He was fearful he might speak too warmly; but considerations of the holiest character that could be connected with the achievement of a free government constantly impelled him to warmth of expression, whenever the grateful remembrance of the services of the soldiers, and kindness toward the procurers of our liberty, are called in question.

"He begged the gentlemen to notice the progress of LaFayette through our country; they would see in it an indisputable exhibition of American feeling on this subject. That man, he said, had commenced his career in boyhood under the arm of Washington, and following the principles of his illustrious preceptor through a long life, now

comes back to the tomb at Mount Vernon—to the urn which holds the ashes of his friend and father in the dissemination of the principles of liberty—with the blessed intelligence that the hope of man, through our example, is looking for better days; that our example has shaken with terror the throne of every despot of the civilized world. But at the same time he shows that in the dreadful contention he has been subjected to the same bruises of fortune which this bill is intended, measurably, to heal in the withered bodies of his early companions. Can any one hesitate? Can the just interference be suffered to die upon your table?

“He scorned to go into detail on such a subject—a subject wherein the suggestion of a doubt amounts to treason toward every principle of patriotism extant in the world. He scorned to examine arguments in opposition to this bill, although he knew it had been said that, where this bill would relieve an hundred necessitous soldiers of the Revolution, there was a danger that it might give a needless privilege to one in affluent circumstances. Do gentlemen, indeed, wish that we should follow our retreating soldiers through New Jersey, in that darkest and most forlorn winter of the war, and scientifically gauge the puddles of blood shed from their shoeless feet; and then, by the butcher’s rules, reckon up the compensation due?

“It should be recollected in what station we stand among the inhabitants of the earth—how broad an angle we occupy in the gaze of mankind. Every liberal heart is pouring out its applause and its hopes upon us. Let us not deceive the world’s expectation. Let us avoid the stinginess of the Jew, as well as the unsteadiness of the Gentile. Let us lay down with irremovable fastness the maxim, which Greece never had, and Rome soon lost, that the soldier of freedom shall never, from want of national gratitude, be compelled in old age to become a beggar. Let us fix this principle as a platform for patriotism to arm itself upon.”

The letter of the Hon. Samuel F. Vinton,* to which Mr. Cutler refers in his letter of December 28th, is dated "Washington, December 21, 1824," and is as follows:

"We yesterday received Gov. Morrow's message, as well as the account of the organization of the legislature. This document is thought pretty well of here, inasmuch as it seems to present in its true character the canal question, which is one of deep interest to the state. Upon the all-important matter of means, he takes strong ground in recommending tax upon tax. If the people are prepared to be taxed, then I have no doubt of the resources of the state; if they will not endure the necessary taxation, then the disastrous consequences pointed out by the governor would seem to be the necessary result. We ought to offer up our most unceasing prayers that your plan for the equalization of taxes may be at the same time adopted. Without it, inevitable ruin would await the sparse peopled and sterile parts of the state. In fact, those parts of the state will be virtually ruined under the present system of taxation in defraying the ordinary expenses of government.

"Ingenuity, in my opinion, could not devise a system more unequal, unjust, and oppressive. I am decidedly in favor of improving the inland navigation of the state by canals, if possible; but I hope you will perseveringly press upon the legislature your plan of taxation in conjunction with it.

"The bill for the sale of the Salt Reservations passed

* Hon. Samuel Finley Vinton, born at South Hadley, Mass., September 25, 1792; graduated at Williams College in 1814; studied law, and was admitted to the bar in 1816, when he removed to Ohio, settled at Gallipolis, and practiced his profession with eminent success. He was elected a representative in Congress in 1823, and served fourteen years, when he declined a re-election. In 1843 he again became a member of Congress and was continued eight years in succession, when, of his own choice, he retired to private life. During the twenty-two years of his public service, he was chairman of some of the most important committees, and was distinguished for ability and integrity. In politics he was a Whig. He died at Washington City in May, 1862. (Lanman.)

our house the other day, and has gone into the senate, where it has been reported by the committee on public lands, without amendment. The chairman of that committee assured me he would expedite its passage. The bill is drawn in strict conformity to the memorial of Ohio, permitting the sale only upon condition of investing the proceeds for the support of literature. I do not know what effect the recommendation of Governor Morrow may have upon its further progress here, or upon the Ohio Legislature. But I shall do all in my power to get it passed into a law and transmitted to Columbus in time for you to act upon it this session. I hope you will make an effort to get the proceeds appropriated to the universities, in which I know you will take as good care as possible of the one at Athens."

Some extracts from letters written by gentlemen in Marietta will now be given, relating to subjects claiming the attention of the legislature during the winter of 1824 and 1825.

Under date of December 29, 1824, Mr. Nahum Ward writes :

"I avail myself of the moment to write you on various subjects that will come before the legislature at its present session, some of which I feel very sensibly must affect our citizens in the Ohio Company's Purchase, and, your humble servant in a very particular manner. The first I shall name is, the whole scope and tenor of the governor's message upon the subject of the revenue. Can it be possible that the governor is of opinion that we will sit down calmly and coolly under taxes up to the war prices upon our lands for canal purposes? That the road tax, which is of no earthly use the way it is now managed, the three per cent fund, and the twenty per cent for county purposes shall all, *all* be swallowed up in this canal about to be built? If he thinks so he is mistaken, as I am sure the people will not suffer it. As one of the citizens of the state, I will not pay the unjust taxes longer, even as they have been levied upon lands. I can not, for in truth I can not sell of the best lands I own enough, annually, to

pay the unrighteous tax upon the poor lands. We must have a system different from the past, in which every man can pay according to what he possesses, or I am ruined, and that forever! Then, do tell me what we, as counties, are to do to pay our expenses? And what right has the legislature to take from the roads the three per cent fund? It can not be, and thanks to the powers that placed it in that situation, that men who are *canal-mad* can not touch it.

"I can not think the legislature will swallow one-tenth part of the governor's message; but if they do, the state is bankrupt for all the days you and I may have to live in it. I do not know your ideas upon many of these things named, but have the utmost confidence in you, that you will raise your voice against taxing our part of the state for the purpose of making a canal that will never pay three per cent, and will be of no service to the counties on the Ohio. It does not follow, of course, because the great State of New York has succeeded in her plans that we shall. Some ten or fifteen years hence will be fully in time for us to go into this grand waste of money. But if we must go into it, right or wrong, do for heaven's sake arrange a system by which we may pay an *ad valorem* tax. Why, I would ask, shall the land-owner pay for the transportation of the rich merchant's produce? Was such a system ever heard of in any petty tyrannical power in the world, as the one recommended by our wise Governor Morrow?

"I am thankful you are in the senate of our state, as one of the guardians of the rights and interests of the people, you will do that which is for the best, and at least raise your voice against this ruinous system."

The Hon. Levi Barber,* in a letter of December 31,

*Col. Levi Barber, born in Connecticut, October 16, 1777, came to Ohio in 1799, and was appointed a surveyor. Was aid to Gov. R. J. Meigs in the war of 1812; was also clerk of the Court of Common Pleas for Washington county, and of the Supreme Court; and receiver of public moneys at the U. S. land office at Marietta, Ohio. Member of Congress, 1819-20, and 1822-23. He was many years a merchant and postmaster in Harmar. He died April 23, 1833.

1824, writes: "I have felt much opposed to the state's embarrassing *itself*, or its finances, with the canal project, and indignant at the governor's message recommending an increased tax on first, second, and third rate land to raise the revenue; but if it can effect an *ad valorem* system of taxation I will be silent. I would, however, much prefer the granting a liberal charter, and let the state have nothing more to do with it.

"Altho' our population is numerous, as to available funds we are poor. If we raise children fast, it yet requires all the exertions of the family in removing the forest, to provide hog and hominy to feed them. It would seem to me time enough to call on them for extraordinary supplies when we shall see them removed from their cabins to comfortable dwellings, and a degree of comfort visible about them."

William R. Putnam, Esq., writes from Marietta, December 31, 1824:

"Your esteemed letter of the 24th instant came to hand by the last mail; I was truly gratified in receiving this token of your attention. Very momentous subjects appear to claim the attention of the present legislature; the contemplated canal appears to occupy the foreground; the *ad valorem* system of taxation is nearly, if not equally, as important; and not inferior to either, is the education of our youth, or the general school system, as it is called. It has been here reported that in all probability the canal, if ever constructed, would proceed over the summit level so as to fall into the waters of the Muskingum, down that river to Tomaha, thence by the waters of Licking into the Scioto valley, and down the same to the Ohio. This route to be sure would be very well for our part of the country; the river Muskingum might, and will, doubtless in that case, be improved in its navigation, either by clearing the channel, or by dams and locks, so as to connect the canal with the Ohio at this place. Thus from the heart of the state, the Ohio might be approached either way, and should the Chesapeake and Ohio Canal ever be completed, it would place us in the great thoroughfare. But all this

is of minor consideration; should the Ohio be connected with Lake Erie by any route the great object will be obtained; New York will present to us a better market for certain articles of our produce than we ought ever to expect from New Orleans.

"To effect this junction of the lake and the river, funds, immense funds, are wanting; and men to direct, possessing public confidence, as well as genius and energy—we want a Clinton, or men of like spirit. Funds, in all likelihood, can be obtained, if the revenue of the state should be put upon a footing so as to secure the payment of the interest on the loans. In order to do this, something more than a little more tax on first, second, and third rate land, and a few old clocks and watches, must be done. Yes, sir; the real wealth of the state, wherever found, and of whatever it may consist, must come into the requisition. Your revenue system must, therefore, be on a liberal and extensive scale, showing to the public that we are engaged, heart and hand, in this important object; our success in loans depends on this, more than perhaps we are aware; such a system would be just, and therefore we might expect success.

"If the canal interest should produce a just system of taxation it will be of great moment, and altho' *some one*, seeing the necessity of it to help forward the canal, should step forth in its behalf, and even attempt to bear away the palm, it will not be forgotten that you, sir, long since proposed the measure, and journals will testify in your favor, when you and I shall sleep with our fathers.

"The subject of schools I think very important, but there is a time for all things—the time seems not yet to have come. After the revenue system shall have become settled and in operation, it will not be difficult to add a per cent for public schools, at least it can be much better done then than at this time."

But to return to Mr. Cutler's own letters. He writes to Mrs. Cutler, January 1, 1825:

"I have just got through with another most animated

struggle in the senate, relating to the act incorporating Marietta. I had to contend three days; the first two alone, and single handed, against Buckingham, Kirker, Avery, Simpson, and Heaton. I was worn down with fatigue and vexation, but happily restrained my temper. The result is very grateful to my feelings; the bill has passed the senate, ayes 22, nays 13, and without the least alteration.

"I have had a very laborious time thus far, and expect little cessation until the important business of the session is brought to a close. I have, however, much to encourage me that my labors will not be in vain; I have strong hope that the *ad valorem* system will be adopted. The committee of finance have prepared and unanimously agreed to seven bills, for the purpose of taking a valuation, assessing, collecting, and paying over all taxes in one uniform system, to answer all cases. These would, this day, have been reported to the senate, had not our chairman been dilatory in preparing his report. They will, probably, be reported to one or the other branch of the legislature on Monday next.

"The canal commissioners have not yet reported. We are anxiously waiting for them to do so. A committee for preparing the necessary measures has been lately appointed, and have commenced their labors.

"Dr. Cotton* makes a useful member of the house, and is much respected. We most cordially unite on all questions of public interest."

Letters written at the time show that a strong interest

* Dr. John Cotton was born in Plymouth, Mass., September, 1792. He was the son of Rev. Josiah Cotton, and descendant of the Rev. John Cotton, one of the early ministers of Boston. He graduated at Harvard University in 1810, and came to Marietta in 1815, where he soon became known as a successful practitioner of physic and a skillful surgeon. He was a scholarly, Christian gentleman, a proficient in classical and scientific studies, delighting especially in astronomy. In 1824 he was chosen to represent Washington county in the Ohio Legislature, and in 1825 was made an associate judge of the court of common pleas, which office he filled until his death, April 2, 1847. (See "Early Physicians of Marietta.")

was felt in Marietta respecting the act incorporating the town, passed at this session. For some unexplained reason it met with decided opposition in certain quarters. A scrap found among Mr. Cutler's papers contains notes of his remarks during the discussion of the act, from which the following extract is made.

Mr. Cutler remarked, "that he was confident that this bill would have passed without any unreasonable objections, had it not met with them from a quarter whence they were least to be expected. Scores of towns in other parts of the state have had their grants as unlimited as these will be if the act passes without amendment. Why should Marietta be made the first example, and her citizens be disappointed in their views relating, entirely, to regulating the internal concerns of their own town? Let us inquire into this matter. Are not her claims equal with those of other towns? The settlement of Marietta commenced in 1788, and is the most ancient in this great and flourishing state. One of her advanced posts sustained the first shock of the Indian War—a war of extermination; in which two gallant armies were destroyed. Her people sustained and defended themselves through that terrible conflict, although they were one hundred miles advanced from all protection or aid. And they were among the first to bear the burdens of civil government in this region, and have paid an unequal tax to support that government without a murmur other than has fallen from the lips of their unworthy representative.

"The people of Marietta consider themselves as standing on different and superior ground from other corporations in the state. They received their act of incorporation from the territorial government, which was confirmed to them by the constitution—the charter under which gentlemen, here, hold their seats. The Supreme Court, the highest legal authority in the state, has determined that this charter can not be infringed. Their rights are secured beyond the reach of the proud presumption of 'a little brief authority;' but they now come forward and are willing to surrender these rights, and place themselves on

a level with the most insignificant village to which you have heretofore granted acts of incorporation.

“Grants to corporations for purposes of mere civil polity are made for the better regulation of communities, to enable them to govern and be governed in a manner to secure the peace and happiness of society in a crowded population. This bill provides for little more than the correct government of the police of the town. Towns and cities, ‘the sores of communities,’ as Mr. Jefferson terms them, require a more vigilant and efficient government than agricultural districts with sparse population. These incorporations, therefore, are merely a part of the political regulation adopted for the better administration of government, and have nothing attached to them of the borough privileges of Great Britain, between which and our incorporations there is no analogy. I must vote against receiving this act on the conditions proposed—Marietta does not deserve to be thus treated, and I feel it my duty to reject with disdain terms which you have not presumed to impose on the sorriest village in the state.”

Mr. Cutler to Mrs. Cutler: “Columbus, January 16, 1825. I have been deeply engaged, and worn down with the fatigue of business during some weeks. Two days before receiving your letter, I began to reap, with joy and gratitude, the satisfaction of seeing my long continued efforts result in the adoption of our tax system by a majority in the house of representatives I had never expected to see—sixty in favor, to nine against it. The bill will be acted upon by the senate to-morrow, and we have no apprehension of its failure. The canal bill will follow on; I have had the address to keep the tax law in the lead. I hope two weeks will close the labors of, perhaps, the most important session ever held in Ohio. The unanimity which has prevailed has never had, I believe, its parallel in our legislature. I have obtained two useful measures for the Athens county people—the repeal of the obnoxious part of the mill-dam law, and the toll bridge for Silas Bingham and associates.”

Mr. Nahum Ward writes from Marietta, January 12, 1825: "We are greatly indebted to you for your services in the senate, and *all* acknowledge it."

Judge Osborn, of Scioto county, writes:

"PORTSMOUTH, *January 18, 1825.*

"TO HON. EPHRAIM CUTLER:

"*Dear Sir*—Hearing that the child of your labor is no longer struggling for birth, and that the house of representatives have taken away from it the complaint of a king 'there is no strength to bring it forth;' and that in this living attitude it has been introduced into the senate chamber, permit me to congratulate you on the attainment of an object upon which you have spent so much time and labor. But, my dear sir, pray treat this offspring of your attention with delicacy, that it be not smothered before it makes its appearance in our state as one of the laws of Ohio, entitled an act for the equalization of taxes—perhaps I have not given the right name, but by whatever name it makes its appearance—it will meet the approbation of every judicious person. . . . The wisdom of government is seen when its laws so operate, that each person contributes an equal proportion toward its support, having a due regard to his taxable property, and the local situation which may increase or diminish its value; and such I understand is the outline of this law. . . . I am, with respect, etc.,

EZRA OSBORN."

Caleb Atwater, Esq., author of a History of Ohio, and an early friend of the school system, writes from Circleville, January 22, 1825, as follows:

"TO HON. JUDGE CUTLER, OF THE SENATE:

"*Dear Sir*—You are doing nobly; press forward with your equal taxation, the school system, and the canals, and immortalize this legislature. What must be your sensations on the prospect you now have of carrying into effect the three greatest objects ever presented to our legisla-

ture! Press forward, I say, in your career of doing good. Posterity will call you blessed. . . . Yours, with gratitude,
CALEB ATWATER."

Mr. Cutler was chairman of the committee to whom was referred the "bill for the appointment of public printer, and defining his duties." The following letter relates, in part, to this subject:

"PUTNAM, *January 19, 1825.*

"*Esteemed Friend*—I understand that the Ohio Legislature are about to appoint a state printer, and I beg leave to recommend to your consideration Mr. Horatio J. Cox, as a suitable person for that appointment. I have long witnessed the neatness, accuracy, and dispatch with which his work is characterized; and should he be appointed, I have no doubt but he would perfectly satisfy his employers. I am not acquainted with a printer in the state whom I should prefer to him.

"I am much rejoiced to find your system of taxation is likely to be adopted, and that there is a prospect the canal scheme will succeed. I think the present legislature will deserve immortal honors for the liberal course they are pursuing.

"You have seen the law of the U. S. giving the Ohio Legislature leave to sell the Salt Reservation for the benefit of literary institutions. I hope Athens, or, rather, the Ohio University, will come into consideration, and get a part of the proceeds. Wishing you every success, I subscribe myself, your friend and humble servant,

"EDWIN PUTNAM."

January 23, 1825, Mr. Cutler writes to Mrs. Cutler: "As to the business I wished to have transacted, so far, it appears prosperous, for which I ought most devoutly to thank the Giver of all good, who protects and helps those who put their trust in Him, and turns the hearts of men as the waters are turned. I have little doubt the revenue law will be made to my mind, and also a free school sys-

tem. The canal bill will, of course, pass, which is also important. If these three measures are passed and fully adopted, this legislature will be, or ought to be, remembered while Ohio is a state. Rev. David Young, Dudley Woodbridge, and Calvary Morris are appointed Trustees of the Ohio University, in place of Rev. Stephen Lindley, removed to Kentucky. General Putnam, and Judge Miller, deceased."

By reference to the senate journal, it appears that on January 25th the "act establishing an equitable mode of levying the taxes of this state" passed the senate by a vote of twenty-six for to eight against it.

On the 29th of January, Mr. Cutler moved in the senate, as an amendment to the bill "for the better regulation of the Medical College of Ohio," that, "the sum of one thousand dollars be appropriated for the use of the Ohio University, to be paid out of the literary fund, to the order of the treasurer of said university; and to be applied, by the direction of the trustees thereof, for the purpose of paying any debts that may have been contracted by the purchase of a philosophical apparatus, or for additions to the library of said institution." Which motion was decided in the affirmative by a vote of twenty-one to thirteen. And to Mr. Cutler's gratification it passed the house of representatives by a large majority—fifty-eight to twelve.

To Mrs. Cutler, January 29, 1825: "The act to provide for an equal system of taxation has passed both houses, and has become a law. The canal and common school acts have passed the senate by very large majorities; the first has passed the house with amendments which are pending between the branches of the legislature. We have strong hopes the house will pass our school law."

The school bill had passed the senate January 26th—yeas twenty-eight, nays eight—and on the first of February it passed the house of representatives by a vote of forty-six to twenty-four. It was on this latter occasion that Mr. Cutler, deeply anxious for the fate of the bill, was at the bar of the house when the vote was taken; Mr.

Nathan Guilford, senator from Hamilton county, equally interested, was standing by his side; when the speaker announced the result, Mr. Cutler turned, and raising his hand said, solemnly: "Lord, now lettest thou thy servant depart in peace, according to thy word; for mine eyes have seen thy salvation." Thus, through many discouragements, after six years, he saw his school bill of 1819, by the help of other good and earnest men, shaped into an effective school law; a system destined to still greater improvement, by which Ohio, at an expense of about eight millions of dollars annually, gives to every child within her borders the opportunity to acquire a respectable education.

During this session a United States senator was elected to fill the place of Gov. E. A. Brown, whose term of service expired the next March. The candidates were Gen. William H. Harrison, Gov. Thomas Worthington, and Wyllis Silliman, Esq. Mr. Silliman had been associated with Elijah Backus, Esq., at Marietta, in 1801, in publishing one of the earliest newspapers in the West, "The Ohio Gazette and the Territorial and Virginia Herald." He and Mr. Backus were also partners in the practice of the law. Mr. Silliman was a member of the first state legislature in 1803. He received from Jefferson the appointment of register of the land office at Zanesville, to which place he removed, and was for many years a well known and able lawyer there.

Extracts from characteristic letters written to Mr. Cutler show that Mr. Silliman's friends were very desirous to secure his election. Col. Convers, of Zanesville, writes: "Wyllis Silliman, Esq., is a candidate for the senate of the United States, and I feel a great interest in his election, as he is as clever a fellow as you, or myself, or any other person. Now, I want you to give him all your interest, which I think ought not to be small in that legislative body."

The following is from John Mathews,* one of the first

*John Mathews was one of the original pioneers who began the settlement of Ohio at Marietta in 1788. He was a share-holder and sur-

pioneer band who landed at Muskingum in 1788, a nephew of Gen. Putnam, and a noted land surveyor of that time:

"I take the liberty, as an old Federalist writing to an old Federalist, to electioneer a little for a renegade Federalist, Wyllis Silliman, who will be a candidate for the senate of the United States. But now you know we are all Federalists, all Republicans, in spite of Mr. Jefferson's policy, which always belied this pretty saying.

"I candidly confess that something sticks a little in my stomach when men, who have taken a devious track in politics, come forward for office; but I consider the time completely passed when this grumbling in old stomachs should have any weight. Silliman always fervently maintained, and never shrank from expressing his Federal partialities in relation to those great men, who formerly were our pride and boast.

"I have long ago forgiven him, and feel some zeal in adding my mite to promote his election. Silliman has never been a sneaking Democrat, Hornblower, or any thing of the kind; and in point of talents, I think, will not be behind any other candidate. He will meet with warm and, I believe, almost unanimous support from this part of the country, and I hope you may feel disposed to give him your hearty support."

Caleb Atwater, Esq., of Circleville, Ohio, writes: "Elect Silliman as an object of general good. Tell our member to remember our eastern and western mail route when he votes for senator. Silliman is in our interest, the others are not. His qualifications, too, are superior to those of his opponents."

Mr. Silliman received a very handsome support, second only to Gen. Harrison, the successful candidate.

veyor of the Ohio Company, and while surveying in Lawrence county, August, 1789, his camp was attacked by hostile Indians, and seven of his men slain; himself and only four others escaped. In 1792 he was appointed superintendent of affairs with the French at Gallipolis. He married Sally, daughter of Hon. Dudley Woodbridge, of Marietta, and settled in Muskingum county. "He was one of the most useful, active, and clear-headed men Ohio ever claimed for a citizen."

The legislature, having finished the business before them, adjourned without day, February 8, 1825.

Mr. H. D. Ward, who spent a part of the winter of 1823-4 with Mr. Cutler at Columbus, writes to him from Massachusetts, August 14, 1825 :

"I have heard from you, and of you, through my brother; and have felt with you, and for you, in working your revenue and school bills, and canal undertaking into legislative being; and now I rejoice with you in the commencement of the grand Ohio and Lake Erie Canal; and pray that the school bill may go into as effectual operation as the revenue law.

"These are great works, long ardently desired and perseveringly labored for. You have borne a distinguished part in giving them life, and I hope this may long continue a source of pure satisfaction to you.

"Nothing is so important now for Ohio, as to give the benefits of a common school education to every child of hers. There will be pride of character as well as sense of propriety in building up the universities and academies; but let not the rich and learned forget the poor and ignorant, but let the whole people grow wise together, according to their several stations in life.

"I hear with interest of the prosperity of the Ohio University, of which you are an appointed and efficient guardian, and I was once an humble officer. May its guardians have wisdom, its officers energy, and its students peace and harmony."

The Hon. Eleutheros Cooke, a member of the legislature with Judge Cutler, writes to him from Sandusky, O., October 13, 1828:

"Nothing would give me so great pleasure as to see you at my own fireside, and recount with you the events of our labors in the legislature. As the author and founder of our new and excellent system of revenue and taxation, I shall ever consider you as richly entitled to the gratitude of the state. In this part of the country you are known as the author."

As a result of Judge Cutler's legislative labors, extend-

ing from 1819 to 1825, there was placed upon the statute books of Ohio the law of January 22, 1821, entitled "an act to provide for the regulation and support of common schools," and that of February 5, 1825, "an act to provide for the support and better regulation of common schools."

The first of these acts provided that school districts might be laid off in townships when authorized by a vote of a majority of the house-holders; also, that trustees of townships might lay off and divide their townships into districts upon the petition of two-thirds of the house-holders.

2. That a school committee of three should be elected on the first Monday of May, annually, with power to erect school houses and employ teachers.

3. That a tax should be levied to erect school houses, and pay any deficiency that might arise in the case of children whose parents were unable to pay the full amount of schooling.

This was a step forward, an entering wedge in the right direction, but it was not a full assumption by the state of the obligation to take charge of the education of the people.

But the act of February 5, 1825, went much farther; it provided:

1. That a tax should be levied annually, in each county on the general list, to the extent of one-twentieth of one per cent, for the support of schools.

2. Township trustees to lay off school districts in their respective townships.

3. House-holders to elect three directors in each district, who were to establish the sites for school-houses and build them.

4. No person to teach without a certificate of qualification from examiners appointed by the court of common pleas.

5. The duties of clerks, auditors, and other officials were prescribed.

By this act the State of Ohio, for the first time, assumed

its constitutional obligation to "encourage schools and the means of education."

In its essential features it was *a system*. It is substantially the system of to-day; that is, the power and duty to lay taxes for that specific object; then to organize districts, elect directors, build houses, employ teachers, and impose qualifications, and the legal machinery for collecting and applying funds.

Up to the date of these acts, there had been legislation regulating the sale and the disposal of money arising from school section 16; but no attempt at systematic organization, and no assumption by the state of the responsibilities of education.

Before the introduction of a school system as defined in the laws which owe their origin largely to Judge Cutler, the existence of a school in any neighborhood depended solely upon the efforts of one or more individuals who would take the trouble to raise, by subscription, money to employ a teacher, and either build a house, or set apart a room in their own dwellings for that purpose. The following agreement for a school taught in Warren, Washington county, may serve as an illustration of the way children obtained their schooling at that time:

"We, the subscribers, do hereby mutually agree to hire Miss Sally Rice to teach a school in the school-house near Mr. William Smith's, for the term of three months, to commence on the 9th day of June, instant. She is to commence her school at the hour of 9 o'clock in the forenoon, and keep until 12; and at the hour of 1, and continue until 4 o'clock in the afternoon. She is to teach reading, and to instruct the young Misses in the art of sewing; and to keep all necessary regulations as is usual in schools; for which we agree to give her the sum of one dollar and twenty-five cents per week during the said term, which sum shall be assessed in proportion to the number of scholars we have set to our names. Provided, also, that in case more are sent by any individual than he has subscribed for, or any persons send who do not subscribe, they shall be assessed in proportion to the number

they send; the money to be assessed and collected by a committee to be appointed for that purpose. And for the performance of the foregoing, we hold ourselves bound. Dated this 8th day of June, A. D. 1814.

Willard Green, 2 scholars.	Ephraim Cutler, 4 scholars, and
Levi Strong, $\frac{1}{2}$ scholar.	boarding mistress.
Isaac Humphreys, 3 scholars.	James Moor, 2 scholars.
Widow Robinson, 2 scholars.	Ezekiel Finch, one scholar.
T. Cone, $\frac{1}{2}$ scholar.	Wm. Smith, 2 scholars.
T. Patten, $\frac{1}{2}$ scholar.	Philip Cole, 2 scholars.
G. Wilson, $\frac{1}{2}$ scholar.	Seth Bailey, 2 scholars.
Widow Terry, 2 scholars.	Asa Cole, 1 scholar.
John Steward, $\frac{1}{2}$ scholar.	Ichabod Cole, 1 scholar.
John Henry, 1 scholar.	John Green, one scholar."

Another result of his legislative service is found in the act establishing an equitable system of taxation, passed February 3, 1825, consisting of forty sections.

And an act to amend an act entitled an act defining the duties of county auditors, passed February 1, 1825, consisting of eighteen sections.

Also an act defining the duties of collectors of taxes, passed February 8, 1825, fifteen sections.

These three acts, comprising seventy-three sections, embraced the principles and details of the application to the real estate of Ohio of an entirely new, and hitherto untried system of taxation. Its fundamental idea was, that "*lands, town lots, and houses should be valued on actual view at cash prices.*" Up to that time an arbitrary valuation was fixed by the legislature on lands at so much on each one hundred acres of first, second, and third rate land.

His system required arrangements for assessors, rules and forms for returns—boards of equalization—and new duties for auditors, collectors, etc.

It has been enlarged, modified, and changed, but its essential features remain the same. It was a new departure, and one that gave credit to Ohio at the opportune time of her entering upon her system of internal improvements.

At the commencement of his efforts to promote both schools and the *ad valorem* system of taxation, Mr. Cutler

met with positive and most influential opposition to both measures.

The prevailing sentiment as regards the support of schools by taxation was, that it was a violation of individual rights for the state to take one man's money to pay the school-bill of his neighbor's child. The common adage was, "let every man school his own children." Even up to the passage of the school system, the journals show a strong minority vote against the measure.

In regard to the change in land valuation, the inequality and injustice of the old system upon the portion of the state represented by Mr. Cutler is sufficiently evident from what has been already stated in these pages on that subject.

While there is on record these evidences of the ability of Ephraim Cutler to organize systems of public policy upon most important subjects, he cherished too much self-respect to organize political campaigns for his own advancement, and consequently the state lost his further services. Private intrigue and ambition supplanted a faithful public servant, and he retired with a consciousness of duty well performed.

A few years later, in a letter addressed to his political friends, he sums up his political services in these words:

"You have by your free and unsolicited suffrages elected me, heretofore, a member of the territorial legislature, a member of the convention that formed your state constitution, and several times a member of the state legislature. In these several capacities, I have endeavored to be the organ to express your will, and in compliance with what I believed it to be, I have, again and again, supported the extension of the right of suffrage until the constitution settled that point. I introduced in the convention that part of the constitution which excludes involuntary slavery, forever, from within your borders. I introduced the first bill into the state legislature for establishing a common school system, that was ever introduced in that body, which, though it failed at that time, has since with little variation become a permanent law; I was also engaged in

organizing the revenue system, and I have been spared by a kind Providence to see all these measures approved, not only by you, but by intelligent people throughout this and adjoining states. As this is, probably, the last time I shall address you on a political question, I will avail myself of this opportunity to thank you for the kindness and partiality I have ever experienced from you."

CHAPTER VIII.

OHIO UNIVERSITY—TENTH PRESIDENTIAL ELECTION—AGRICULTURAL ADDRESS.

The preceding pages show Judge Cutler's labors for the establishment by law of a system of common schools, which makes it possible for the youth of the state to acquire a decent education, and also his efforts in behalf of the Ohio University. The deep interest which he took in that institution, and his endeavors to promote its welfare and usefulness, arose not merely from the fact that he was one of its trustees, and that the university owed its origin to the forethought and efforts of his father, but from an earnest desire that the means of a collegiate education should be provided, and made accessible to the people.

It is a fact, that when Dr. Cutler made the purchase of western lands for the Ohio Company in 1787, as a recent writer observes,* "He insisted that there should be an appropriation of land, in the company's purchase, for the endowment of an university, and this feature was part of the contract with Congress. Thus the Ohio University is undoubtedly indebted to Dr. Cutler for its existence, and he was in later years very active in furthering its sound organization. He also insisted upon a donation of land in each township for educational and religious purposes; and made it a part of the contract with Congress that two sections in each township should be reserved as school and ministerial lands."

In this contract it was provided that "two complete townships should be given perpetually to the use of an university." These townships were surveyed in 1795, by General Rufus Putnam, and located near the center of the purchase, in the midst of a dense forest. In 1799, the

* Walker's History of Athens Co., Ohio, p. 251.

territorial legislature passed an act for laying off the town of Athens, the site of the proposed university, where a few settlers were already on the ground.

An act, establishing a university in the town of Athens, drafted by Dr. Cutler, was introduced into the territorial legislature during the session of 1801-2 by his son, Judge Cutler, which passed, with some modifications, and was approved by Governor St. Clair, January 9, 1802.

A small brick building was erected for an academy, which was opened as a branch of the university in 1808; the college edifice was completed in 1817, and an organization of the university was effected in 1820. The trustees had selected the Rev. Jacob Lindley, a graduate of Princeton College, to take charge of the institution from the beginning, and for many years he continued to conduct it with distinguished ability and success.

On the 1st of January, 1824, a committee of the board of trustees of the university, of whom Rev. Jacob Lindley, Rev. Dr. Hoge, and Judge Cutler were members, met in Columbus to select a suitable person for president of the institution. They unanimously agreed to recommend the Rev. Robert G. Wilson, of Chillicothe. Dr. Wilson was a native of North Carolina, but removed to Ohio soon after it was admitted as a free state into the Union. He had been, since 1805, the pastor of the Presbyterian Church in Chillicothe. A writer has justly said of him: "Dr. Wilson was a man of great intellectual ability and fine scholarship; a dignified and cultured gentleman of the old school."

The selection made by the committee at Columbus was approved. Dr. Wilson was elected, and his inauguration as president took place at Athens, August 11, 1824. Participating in the ceremonies of that occasion, Judge Cutler, on delivering the keys and charter of the institution to the president, said:

"The trustees have, by their unanimous suffrages, elected you to the high and responsible office of President of the Ohio University. In thus placing under your governing

care and instruction the youth, the best hopes of our country, they have the satisfaction of knowing that the public approve their choice.

“The motives which governed the founders of this university in making the munificent donation from which its permanent revenues are derived, were so deeply interesting as to impose upon those to whose charge it shall be committed duties of no ordinary character.

“This gift, designed to secure to the children of the pioneers the blessings of an enlightened education, was made by the Congress of the United States on the 23d of July, 1787. The statesmen who composed that body were the men who had by their courage and intelligence greatly assisted in the perilous struggle which, in its termination, established this republic one among the nations of the earth. They had been witnesses of the beneficial and astonishing effects which the early establishment of the institutions of Harvard, Yale, Nassau, and William and Mary had produced, by enabling our fathers, successfully, to support and defend the principles for which they were contending with the most accomplished scholars of Europe. They, therefore, while they had under consideration the act preparatory to introducing civil order and government into this, then immense wilderness north-west of the river Ohio, made this donation with the express condition, that it should be forever for the support of an university. The directors of the Ohio Company were at that time negotiating, by their agents, for a purchase of lands upon which the first permanent settlement in the State of Ohio was made. In their contract they stipulated for this appropriation, and agreed to select two townships for the donation, which were located in this vicinity, and thus aided in the great national object.

“The territorial and state legislatures in their early acts appointed and incorporated trustees to carry this noble purpose into effect, and from that period to the present time the institution has experienced the favor of a kind Providence.

“The trustees have now, for the first time, the oppor-

tunity of delivering over their keys and charter to one in whom they, and the public, have the highest confidence. That the merciful God, who has hitherto been pleased to smile on the efforts to disseminate light and knowledge, may aid and support in the arduous duties this day assigned you, will be the fervent prayer of the trustees."

Dr. Wilson filled the office of president fifteen years with honor and fidelity, when advancing age led him to resign. He died April 17, 1851.

The two townships, Athens and Alexander, were appropriated entirely to the use of the university, and when they were settled, the inhabitants found themselves without lands for the support of common schools. In his notes, Judge Cutler writes :

"Having been myself a member of the convention that formed the constitution of the state, I was aware that the United States, by articles of compact at the time the state became a member of the American confederacy, were bound to appropriate a thirty-sixth part of the lands within its boundaries for the use of schools; and that where section sixteen was otherwise appropriated, a section (640 acres) should be supplied from the public lands for the use of such township. I accordingly wrote to Hon. Samuel F. Vinton, then in Congress, calling his attention to the subject."

Mr. Vinton replied, February 25, 1824 :

"On the receipt of your last, I called upon Mr. Graham, the Commissioner of the General Land Office (Mr. Crawford, the Secretary of the Treasury, as you know, being sick and confined to his house), on the subject of the school sections for the Athens University lands. Mr. Graham promised me he would examine the matter, and call on the secretary and give him his opinion on the subject; he seemed, however, to have an idea that the contract with the Ohio Company on the part of the United States (and not the compact with the Ohio Convention) was to be the rule by which to determine the validity of the claim by the townships. I was under the same impression until a few days since, and with that idea, on an

examination of the contract of the Ohio Company, last fall, I came to the conclusion that these townships were not entitled to school lands. Strange as it may seem, it did not occur to me that the compact with Ohio extended to their case. A few days before the receipt of yours, I had occasion to examine a petition of the inhabitants of the Miami University township for common school lands, which, it occurred to me, rested on the same principle as the Athens townships. The opinion of the committee of public lands in that case was that the township had a right to school lands; and they directed the member who offered the petition, to apply to the Secretary of Treasury, and agreed to report in favor of the township, if the secretary should refuse to make an appropriation under the law.

"Mr. Graham was so much engaged at the time of my interview, above mentioned, that I could not explain my reasons for thinking he was wrong; and told him I would make a written argument and forward to him, which I did, setting out my reasons at considerable length. If that should not satisfy the commissioner and secretary, I shall request it to be laid before the attorney general; and in the last resort I will lay it before Congress. I think the committee on public lands would report in their favor. If the secretary should admit the right of these townships I will request him to direct the Register and Receiver of the Land Office at Marietta to make the selection and write you word."

Mr. Vinton announces the success of his application to the Secretary of Treasury, in a letter dated Washington, April 15, 1824:

"I have at last received the decision of Mr. Crawford in favor of the university townships in Athens county. The selection ought to be made before the sales of public lands on the first Monday of next month. To enable you to select to the better advantage, by my request the Register of the Marietta Land Office will be instructed to make the reservation."

Another important service rendered by Mr. Vinton may be mentioned here. The school lands of Ohio, a splendid

endowment of one thirty-sixth of her whole surface, was vested by an act of Congress, March 3, 1803, in the legislature of the state, in trust, for the use of schools. When it was found desirable to sell these lands and establish a school fund, it was doubted whether the legislature had the right to thus dispose of them. Mr. Vinton procured the passage of a law which empowered the legislature to sell the school lands within the borders of the state, and "invest the proceeds in some permanent, productive fund, the income to be forever applied to the support of schools."

The benefits of this law, which at first applied to Ohio only, have extended to the new states, and thus secured to posterity, from waste and misapplication, this valuable gift of the national government.

In a letter to Professor E. B. Andrews, written July 16, 1853, the Hon. A. G. Brown, of Athens, writes:

"In 1820 Judge Cutler was appointed a member of the Board of Trustees of the Ohio University, which office he held up to the time of his death, having always manifested the greatest zeal and anxiety for the progress and prosperity of the institution; and contributed by his counsels and labors to that end, so long as his physical powers would permit. He was for a number of years on the committee of finance, where his services were of the very highest importance. I am aware that he labored assiduously for the interests of the university while a member of the legislature, from about 1822 to 1825."

PRESIDENTIAL CAMPAIGN OF 1824.

The presidential campaigns of 1816 and 1820 excited little interest in the Western country; the lull in political agitation during Mr. Monroe's administration was, however, disturbed as the time approached when his successor was to be chosen, and an unusual number of candidates appeared in the field. Three of these were members of Mr. Monroe's cabinet: John Quincy Adams, of Massachusetts, Secretary of State; John C. Calhoun, of South Carolina, Secretary of War; and William H. Crawford, of

Georgia, Secretary of Treasury, all able statesmen; Henry Clay, the eloquent speaker of the house in Congress; and Gen. Andrew Jackson, made famous by his military success. Of these, Henry Clay, of Kentucky, was the favorite of Ohio. Mr. Calhoun withdrew from the contest, and was nominated for the vice-presidency.

Of all the candidates, Judge Cutler preferred Mr. Adams, and labored earnestly to advance his interests in the state. Letters, written to him by intelligent and active politicians, from which the following extracts are made, give a good idea of a rather exceptional campaign.

The Hon. Levi Barber, representative from Ohio, writes from Washington, December 21, 1822:

"I am sorry to hear that a majority of the legislature are opposed to expressing an opinion on the subject of the next president. The idea of some holding back in expectation that Clinton will be brought forward, is most extraordinary. I have little doubt but the contest will ultimately be between Mr. Crawford and Mr. Clay, and as little doubt but all the West will support the latter gentleman. All the representatives from Ohio are decidedly for Mr. Clay. Mr. Clinton is *altogether* out of the question."

A gentleman writes from Marietta, January 7, 1823:

"I do most sincerely hope that another attempt will be made by the Ohio Legislature to nominate a president, or rather a man to fill the presidential chair, which I most sincerely hope may be Mr. Clay."

The Hon. Samuel F. Vinton, who succeeded Mr. Barber as representative from the Seventh Congressional District of Ohio, and was then just entering upon his long and useful career, writes from Washington, December 14, 1823:

"Yours of the 5th instant came to hand last night, by which I perceive that your body is organized and ready to proceed to business. You advert to a report that Mr. Clinton is a candidate for the presidency, and ask what is said here about it. By last night's mail we get information of a nomination of him at Steubenville, and a rumor

of one at Cincinnati. The probability of Mr. Clinton's coming forward has been spoken of here for some days past. Mr. C.'s New York friends declare themselves in earnest about it, while the Bucktails say they will not support him—that he can not get the support of his own state, and that his friends do not intend to run him—their object being to bring Mr. C. before the people again in this collateral way with a view of running him at their next gubernatorial election. The Bucktails are very decided in their declarations that they will not support Mr. Clinton; but at the same time express, or rather feel, an evident desire that Ohio should declare herself for him. The solution of this apparent paradox you will easily make when I inform you that, with the exception of one or two of that part of the New York delegation, they are decided friends of Mr. Crawford, and more actively engaged than anybody else in getting up a caucus. Whether Mr. Clinton does really intend to come forward you can form as good, perhaps better, opinion in Ohio than we can here; as we last night learnt from letters, that communications had lately been forwarded from N. Y. by Mr. C.'s friends to different parts of the state, from which the Steubenville nomination originated.

“Next as to a caucus, there has been a great deal of managing, maneuvering, counseling, and advising for some days past upon the ways and means of getting one up. Mr. Crawford's friends are very desirous of making the experiment; the supporters of all the other candidates are, in general, equally desirous of preventing it, or, if tried, of breaking it down.

“The Bucktails, who are a large majority of New York, are anxious to have it held immediately, and it is said that next Saturday has been fixed upon as the time. Their object is to produce an impression upon the legislature of New York, which convenes the 1st of next month. There is, unquestionably, a large majority of Congress opposed to any measure of the kind, and it is the opinion of the best informed here, that no caucus will be held, and that after vamping awhile the project will be abandoned.

There is a rumor that you have a resolution on the subject of a caucus here before you, but what it is we have not learned."

The Hon. Benjamin Ruggles,* who for eighteen years held the position of United States Senator from Ohio, writes from Washington, February 8, 1824:

"Your letter of the 26th of January has been received. I thank you for the information contained in it. You will see by the 'Intelligencer' that a caucus is to be held on Saturday next for nominating candidates for president and vice-president. Great exertions have been made to have the Republican friends of all the candidates unite; but from some subcaucusing which has taken place among the friends of Mr. Clay, Mr. Adams, General Jackson, and Mr. Calhoun, it is believed that many of them will not attend. Although there will not be as many members present as have been on some similar occasions, yet it is believed that Mr. Crawford will receive more votes than Mr. Monroe did in 1816, which was sixty-five. Some are of opinion that he will have eighty. This measure seems to be called for by the resolutions that have been adopted by the members of several of the state legislatures to support a Congressional nomination. I attended a similar meeting in 1816, when Mr. Monroe was nominated, and have concluded to attend the present. Out of the five candidates, but one can succeed, and it is thought by many of the oldest and most substantial Republicans that an attempt ought to be made here in the old way to concentrate in some measure, if possible, public sentiment on this subject. Whether such an object will be effected remains to be determined. It is believed, however, that it will do much toward it.

* Benjamin Ruggles, born at Woodstock, Connecticut, February 21, 1783. A lawyer, he came to Marietta, Ohio, in 1807, and was elected by the legislature in 1810 president judge of the third circuit, and removed to St. Clairsville. He was an able and learned jurist. In 1815 he was elected United States Senator, and was re-elected in 1821 and in 1827, continuing in the senate eighteen years, rendering valuable service to the state and nation. He died September 2, 1857.

"The partisan warfare that has been kept up so long in favor of each of the candidates, and the ill-blood and bitterness of feeling which it has created, has become painful and irksome to the great body of the people. Unequivocal indications have been given from almost all parts of the Union of their readiness to unite on some distinguished Republican, if he could be presented to them in a satisfactory and acceptable manner. No mode has been suggested or devised, which appears less exceptionable than the *old-fashioned* and *long practiced* one now proposed. The New England Republicans, as far as I am able to learn their sentiments, prefer Mr. Crawford next to Mr. Adams, and if they can not carry their favorite will, it is believed, cheerfully unite on Mr. Crawford.

"I have always felt very friendly to Mr. Clay, and I regret very much that he, and his friends, should not have felt a willingness to unite in this measure. He urged such a course of proceeding eight years ago, when the contest was between Mr. Monroe and Mr. Crawford, and made a speech in favor of the pretensions of the former in caucus. He also attended a similar meeting in 1812, when Mr. Madison was nominated. Mr. Calhoun was also in favor of a caucus when he, himself, was not a candidate, and has, I believe, attended two.

"Much has been said concerning the vice-presidency, and several persons have been spoken of. Gallatin, Yates, Root, and Rush have been mentioned. Gallatin, I believe, will be nominated. He is a man of great weight of character, and possesses talents of the first order."

Mr. Ruggles presided over the caucus referred to in his letter, and by it William H. Crawford, of Georgia, was nominated for the presidency.

The Hon. John C. Wright, eminent as a lawyer and judge, was then a representative in Congress from Ohio. He writes from Washington, February 23, 1824:

"We have nothing of great importance. The tariff bill is in progress, and I think will pass, with some trifling amendments, if we do not suffer its opponents to talk away all the time allowed for passing it.

"As to the president, we have nothing since the caucus, except that it is said Mr. Calhoun is abandoned, and no longer a candidate. It is certain his friends in Pennsylvania have gone over to Jackson, and all agree that Jackson will get the vote of that state. It is time for sober, thinking men to consider whether it comports with the dignity and well being of this nation to have a military chieftain, who has frequently been known to be too *violent* to be restrained by law, to rule over us, or whether our constitution would be safe in his hands. If such be the will of the people, I have no complaint to make."

1. Hon. S. F. Vinton writes, February 25, 1824:

"Since the caucus there has been another blow up here. Calhoun's party has bolted and gone over to *Old Hickory*. Thus is ended the first act in the play, and one of the actors has made his exit, not to return again. This new phase in the political hemisphere has given a new aspect to the affairs of Jackson. In the common language, he is looking up wonderfully. Clay is said to be gaining in New York, but in my opinion no dependence can be placed upon the coquettish airs of that state. She may, or may not, jilt her suitors, just as suits herself."

Mr. Francis Dodge, then a well known resident of Georgetown, D. C., writes, March 9, 1824, as follows:

"Yours of the 19th ult. was duly received, and I have been endeavoring to find out what may favor your views in relation to the election of J. Q. Adams to the presidency, an event which I should rejoice to see accomplished, under the conviction that he combines (almost to perfection) all the requisites for that high station.

"You will find that he introduced the resolutions in the senate which produced Gallatin's report on internal improvements; therefore, was the true author of them. I send you a National Register of November last, in which you will find those resolutions. I can also state *positively* that Mr. Adams has, recently (and while the internal improvement question was before Congress), expressed himself clearly in favor of the constitutional power in the government to do this act; and he may be fully calculated

on as favorable to internal improvements. He is also in favor of a revision of the tariff to a certain extent; and generally in favor of protecting manufactures in all cases where it can be done, without too much affecting the other great interests. I really hope your exertions to give him your state vote will be crowned with success."

The Hon. Timothy Fuller, a representative in Congress from Massachusetts, writes from Washington, 27th March, 1824:

"A friend of yours having informed me that you are desirous of obtaining such newspapers or essays as may tend to give the people in your part of the country a just view of the character of Mr. John Q. Adams, I have for several weeks past sent you the *National Journal*, printed in this place, and conducted with much ability; and also several other newspapers of the same political character and bearing.

"I now send you several pieces originally published in the Salem (Mass.) Register, a paper which has displayed great ability and unwearied zeal in giving the public a fair view of this subject, so important at the present time to the people of the United States, on the eve of the great national election.

"The general opinion here is that Mr. Clay is so feebly supported, that, should the election finally come to the house of representatives, he has not *the least chance* of being one of the three highest. Mr. Adams, Mr. Crawford, and Gen. Jackson will probably be the three candidates before the house; but if New York, as is now confidently expected, shall abandon Mr. Crawford, who never has had any thing like a majority even in the legislature, and should she declare for Mr. Adams, who is far before any of the other candidates there, then the election will not come to the house. The six Eastern States stand firm for Mr. Adams. No other candidate has the least chance in any of them (I speak from unquestionable sources of information). New Jersey and Maryland have a majority in his favor. We hope also that New York, Ohio, Indiana, and Illinois will declare for him. If this should take place,

even Virginia would hold out no longer for Mr. Crawford; and Mr. Adams, their representatives generally admit, is their next man after Mr. Crawford. I hazard nothing in saying that Mr. A. is considered here the most prominent candidate.

"Be so good as to acknowledge the receipt of this, and to communicate any information in relation to prospects in Ohio, Kentucky, and the Western States which you may possess."

Again, on the 29th of April, Mr. Fuller writes:

"I was much gratified at receiving your favor of the 6th of April, and particularly so at the information it contains. The efforts which you and others are making in Ohio I trust will be successful, and they contribute very much to animate and encourage his friends in other parts of the Union. Several gentlemen of the first information from Maryland assured me that Mr. Adams is so firmly supported in Maryland that though they vote in districts they are confident he will receive every vote, which is much better than has generally been expected heretofore. We feel equally confident as to New Jersey. As to New York the great mass of the people are for Adams, and we confidently expect they will bring their legislature to the proper and only true policy—to obey their constituents.

"From various sources we learn that in Virginia, North and South Carolina the friends of Mr. Adams are numerous and increasing. Virginia prefers Mr. Adams next after Mr. Crawford, and in my opinion they will find their true policy is to abandon Mr. C. before the election of electors. For my own part, I do not wish to see Mr. C. withdraw, as it might make an impulse in favor of Clay in some very powerful states.

"Mr. Edmund's memorial is a document of great importance. It will induce many to read and examine the subject, and the loss of so large sums of money by the western banks ought to be fully explained, otherwise Mr. C.'s reputation will very much suffer.

"Mr. Adams informs me that he was well acquainted with your father, and is happy to hear of your prosperity

in the state of your choice. Mr. Clay's friends here appear very confident, but I can not learn from them that they have any hopes of the Atlantic states, except Pennsylvania; but the best information, I think, is, that there is no inclination to support him there, even if Jackson should be abandoned, of which there is no immediate prospect.

"The plot to raise an odium against Mr. Monroe and Gen. Jackson by means of Senator Lawrie's letters, etc., is fast recoiling upon his own head, as will all unworthy attempts, when they are fully disclosed to the people.

"I showed your letter to Mr. Nelson, who represents the district formerly represented by your father. He is a man of excellent understanding and much experience."

From Cincinnati Mr. H. D. Ward writes, on April 14, 1824:

"Strange! Wild! Infatuated! All for Jackson! His victory at New Orleans was not more unaccountable than his political success is becoming. Two-thirds here are said to be for Jackson. But, surely, in February last, *his name was not mentioned in the Miami country.*

"It was like an influenza, and will pass off like it, whether before election or not, is doubted or maintained according to the feelings and wishes of the different speakers. I hope it will pass off, but should be willing to compromise so far as to elect a pledged ticket for Jackson and Adams, that should be free to vote for either of the two for president, and the other vice-president, as the circumstances of the case may require. A bold front and determined courage alone will succeed in this measure. Jackson's friends think they shall carry all before them. If they try it, Clay's certainly will; and if the influenza passes off in season the patients will vote coolly and dispassionately for the best man—Mr. Adams.

"Every effort should be made, as it has been made, but should no hope in the last case be left, I regard Mr. J. as the most independent of the southern gentry, one on whom they will be least likely to unite; and if they unite, one from whom they will gather the least flatteries, there-

fore I believe I would vote for him sooner than for either of the others. A strange business, this politics!"

On the 24th of April, Mr. Ward writes again from Cincinnati:

"Yesterday was the Adams meeting—a glorious meeting! Details in the papers. A great party for Jackson in New York—but it will not signify. Jackson's party has sprung up in an hour, and possibly it will perish as soon. It is not held together by any tie of a substantial kind. He will not be supported in Ohio if Mr. A. is, at least I think so. The friends here of Mr. Adams are hearty friends, and may be, like himself, relied upon. Surely this Jackson fever will delight the prospects of Mr. Clay."

June 9, 1824, a large and respectable meeting of the citizens of Washington county was held at the court-house in Marietta, of which Judge E. Cutler was chairman, and Dr. S. P. Hildreth secretary. At this meeting a committee was appointed, consisting of E. Cutler, Nahum Ward, and S. P. Hildreth, "to correspond with the state central committee (at Columbus), and the several county committees; and to use all honorable measures to insure the election of John Quincy Adams to the presidency of the United States." This committee wrote to Joel Butties, Esq., Col. James Kilbourn, John R. Parish, Esq., David Smith, Esq., and Dr. Lincoln Goodale of the state central committee: "We have the pleasure to inform you that the meeting on the 9th inst. unanimously resolved to support John Quincy Adams for president, and A. Jackson for vice-president. They also resolved, *nem. con.*, to support the ticket recommended by you for electors. We have good reason to believe that these resolutions are in unison with the sentiments of a large majority of the people in the counties of Washington, Athens, Meigs, and Gallia."

The committee also prepared and circulated "An address to the free and independent electors of the Seventh Congressional District." In it they say: "Mr. Crawford,

General Jackson, Mr. Clay, and Mr. Adams are all candidates for this high station ; they are all eminent men, and have all performed eminent services for their country. We are *proud* that our country can boast of possessing such men. It is not our partiality for our candidate as a man that principally influences us, but it is the *policy* which will guide him, if elected, that we regard as of importance.

“And, again, Mr. Adams was the first man that suggested in Congress the propriety of entering upon a system of internal improvements. He has no constitutional scruples on this point. He believes that our national compact was entered into for the purpose of benefiting us in all things that concern the national welfare. His counsel to his countrymen has been, ‘Rely on your own resources, depend on yourselves, *be independent of the world,*’ and he will square his actions by these maxims. Unpledged, he will stand proudly pre-eminent in steering our national affairs free from the influence of faction or party. While we disclaim being solely influenced by the superior attainments and moral character of Mr. Adams, we do not shrink from a comparison with any man living. He was, indeed, bred a statesman ; he enjoyed the confidence of Washington, who trusted and employed him, and highly approved his services ; he secured the like confidence of every succeeding president, and has been intrusted with the most difficult concerns of the government in highly responsible situations, and has not only gained the entire approbation of his own country, but has acquired the unqualified applause of the first politicians in Europe.”

Mr. Edwin Putnam (son of Gen. Rufus Putnam) writes to Judge Cutler from Putnam, July 20, 1824 :

“The friends of Mr. Adams in this part of the state appear to be sanguine in the success of his electoral ticket, but I am still of opinion that the Clay ticket will carry the election through the state. From all that I can learn, Mr. Clay stands no chance of being president, or of even coming into the house. The contest in Congress will be between Adams, Crawford, and Jackson. Louisiana has

declared for Jackson, and I am afraid he will be the man. But we must do what we can for Adams. "Tis not in mortals to command success, but we will do more, we will deserve it."

The Seventh District, and probably others, gave Adams a majority, but the Clay ticket was successful in Ohio.

The Hon. S. F. Vinton writes from Washington, December 21, 1824:

"It is now reduced to a certainty that Gen. Jackson, Mr. Adams, and Mr. Crawford will come before Congress as candidates for the presidency. The friends of Gen. Jackson are very confident of success, and those of Mr. Adams are by no means without hopes. Very little is said on the subject, and as yet no excitement prevails here."

The Hon. Timothy Fuller,* in a letter dated Washington, 8th January, 1825, says:

"During the last winter and spring I had several letters from you on the subject of the election which was then pending for president, etc. Your exertions, together with those of Mr. Adams's friends in Ohio, were of the most disinterested and patriotic character. They were not, indeed, completely successful in choosing electors, but the respectable support they gave him may, nevertheless, encourage your representatives in voting with *independence* at the final ballot, instead of being restrained and *cramped* in the discharge of their high duty. We have great hopes of Ohio and Kentucky, and I am free to declare that the most dispassionate and best informed persons are of opinion that Mr. Adams's election is more probable than that of Gen. Jackson. It will not be surprising if he should have sixteen votes (states) in his favor, which will be a strong support, and highly favorable to a peaceful and popular administration.

"I should be much gratified to have a letter from you with your remarks upon the course expected from the

* The Hon. Timothy Fuller was the father and early educator of Margaret Fuller Ossoli, well known in literary circles.

members of your delegation. I should also be pleased to know whether the friends of Adams and Jackson in Ohio, at the election of electors, in any part of the state united against the Clay ticket."

The Hon. Philemon Beecher, an able lawyer, and one of the early settlers of Ohio, who was for several years a representative in Congress, writes from Washington, January 19, 1825 :

"Yours, dated the 10th, was received yesterday. I read an old friend's letter with no ordinary pleasure. First of all, I am glad to know that you are well; secondly, that the canal is likely to succeed. . . . As to the president, I am for Adams, and Ohio will vote for him if the other states will agree upon him, so that three or four states in the West can elect him by so voting.

"I do not know how the people of Ohio would vote as between Jackson and Adams, but I am convinced that Adams is best qualified, and that is enough for me. It is now entirely uncertain who will be the president. However, I think the chance of Adams is the best now, but these appearances change very frequently."

When the result of the election in the different states was made known, it became evident that the Electoral College would not give to either candidate the 132 votes then necessary to elect the president; and that the house of representatives at Washington must decide the matter, as was the case in 1801, when Jefferson was first made president.

The rules to be observed by the house in conducting the election of the president, were reported by the Hon. J. C. Wright, of Ohio, chairman of the select committee appointed for that purpose. On the 9th of February, 1825, "at 12 o'clock precisely," the senate of the United States entered, and were seated in the hall of the house, when the certificates of the votes of the Electoral College were opened and counted, and the President of the Senate declared that no person had received a majority of the votes

given for President of the United States; that Andrew Jackson, John Quincy Adams, and William H. Crawford had received the highest number of votes; and that from these persons it now devolved upon the house of representatives to choose the president. John C. Calhoun, of South Carolina, having received 182 electoral votes, was declared vice-president. The senate then retired. The roll of the house was called, and every member, except one, being present, they proceeded immediately to ballot by states. There were at that time twenty-four states in the Union. It was found that thirteen states had, upon the first ballot, voted for John Q. Adams; these were the six New England states, with New York, Maryland, Ohio, Kentucky, Illinois, Missouri, and Louisiana; seven states had voted for Andrew Jackson, namely: New Jersey, Pennsylvania, South Carolina, Tennessee, Alabama, Mississippi, and Indiana; four states voted for William H. Crawford, which were Delaware, Virginia, North Carolina, and Georgia. The speaker (Mr. Clay) then announced that John Quincy Adams, having a majority of the votes of the United States, was duly elected president of the same for four years, commencing with the 4th of March, 1825, and thus the tenth presidential election was brought to a close.

Many years later Judge Cutler met and formed a personal acquaintance with John Quincy Adams. This was in November, 1843. Mr. Adams had been in Cincinnati for the purpose of laying the corner-stone of the astronomical observatory at that place, and on his return to the East passed up the Ohio river, and paused for a few hours at Marietta. He was met at the wharf by a large number of the leading men in the county, and conducted to the Congregational Church, which was crowded with people eager to see and honor the patriot, statesman, and sage. In reply to an address of welcome from Hon. William Rufus Putnam, Mr. Adams said, "That he was a student of law with Judge Theophilus Parsons in Newburyport, Massachusetts, fifty-five years ago, when he went to Ipswich to visit his personal friend, the Rev. Dr. Manasseh

Cutler, then just returned from the great West, and from his lips he derived his first knowledge of this region, and the name of Marietta first saluted his ears. He was exceedingly interested in his descriptions of the country, and the account he gave of its early prospects, anticipations of wonderful progress in western emigration and improvement, which have since been realized, and more than realized. He had never expected the happiness of seeing with his own eyes this land, this spot where he now was, which was associated with his early recollections, and on which his imagination had dwelt with so much pleasure."

Mr. Adams paid a noble tribute to the memory of the early settlers of the place, and surprised every one by the intimate and accurate knowledge he manifested of their character and distinguished services.

After the reception at the church, Mr. Adams was taken to the great mound in the cemetery, to the elevated squares and *sacra via*, of which he had heard from Dr. Cutler, and desired to see. He then returned to the steamboat.

A committee of three had been selected to accompany him to Pittsburg. These were Ephraim Cutler, son of the Rev. Dr. Manasseh Cutler; Caleb Emerson, a man of rare intelligence, and Joseph Barker, the oldest native citizen of Ohio then living. They were all men of information and ability, and the conversation on the boat, between Mr. Adams and the committee, was of the most interesting character, and commanded the attention of all who were so fortunate as to be present. He conversed with great ease and freedom on the many topics introduced, "opening the rich store-house of his mind, and pouring forth its well assorted treasures." During this pleasant intercourse an incident occurred which was noted by others, and is thus given in a letter written by Judge Cutler at the time:

"In conversation with Mr. Adams, I observed to him that we remembered that under Providence we, as a people, were indebted to the wisdom and firmness of his most excellent father and John Jay for the soil we possessed,

and that we understood the policy pursued by France at the treaty of Paris in 1782, and the conduct of Dr. Franklin was all exerted to prevent the North-west Territory being included within our boundaries. I saw the tears gather in his eyes, and his voice faltered as he answered, that 'he rejoiced to find that there were some who still remembered the services of his beloved father.' I also gave Mr. Adams a concise history of the convention which formed our state constitution, the revolution that took place in the minds of some of the members, and the consequent exclusion of slavery. He said with emphasis, 'Slavery must and will soon have an end.'" A prediction, although since fulfilled, "the great defender of the rights of man" did not live to see accomplished.

AGRICULTURAL SOCIETY.

Soon after the close of the Indian war in 1795, when the settlers were permitted to attend to the cultivation of their lands, an Agricultural Society was formed, and such men as Judge Fearing, the Gilmans, the Putnams, and other distinguished citizens attempted to aid the community with their knowledge and experience. As years passed, however, this society became inoperative.

Then many of the principal citizens of Washington county, Ohio, with those of Wood county, Virginia, who were interested in promoting the object, met in Marietta, February 22, 1819, and organized by appointing Captain Jonathan Devol chairman, and A. T. Nye clerk. At this meeting Ephraim Cutler, Joseph Barker, and Alexander Henderson were chosen to draw up a constitution and rules for an agricultural society. The committee performed the service required, and reported to an adjourned meeting on the 28th of the next April. This constitution was adopted by the society, who directed that it should be published in the *American Friend*, together with an address, inviting the co-operation of the public in the objects of the society. The latter was as follows :

ADDRESS. TO THE CITIZENS OF WASHINGTON AND WOOD COUNTIES :

"Fellow Citizens—In a country like ours, extremely favorable to the production of all the necessities and some of the luxuries of life, agriculture is, and must be, the grand source of public and individual prosperity. Its interests are inseparably interwoven with those of commerce and manufactures. To promote these interests, in the improvement of our agricultural products and domestic fabrics, is the object of this society.

"That the most happy and beneficial effects have resulted in all countries from the establishment of such societies is beyond question. In our own, particularly, they have been eminently useful in correcting erroneous habits of culture, and giving stimulus and facility to industry by granting premiums to those who have excelled in practical husbandry, in domestic manufactures, in improving the different breeds of domestic animals and the various implements of husbandry.

"To effect these desirable objects requires the exertions of experience and associated effort. Man is the child of habit. He is cold to precept, and falters at experiment, but add the force of example, and you call into action the energies of body and mind to the accomplishment of every object within the reach of perseverance and industry. Among the first objects contemplated by the society for the improvement of our agricultural and manufacturing interests are the collection of such interesting facts as are the result of practical knowledge, and the encouragement and reward of experiments and improvements requiring time, care, situation, and expense not within the reach of every individual, and thus promote the interests of all by the encouragement of industry and enterprise, and the improvement of productive labor. For the attainment of these objects we solicit the patronage of a liberal and enlightened public.

"EPHRAIM CUTLER,

"JOSEPH BARKER,

"ALEXANDER HENDERSON, *Committee.*"

On Tuesday, October 20, 1829, ten years later, the Agricultural Society held its annual show and fair at Marietta, under the direction of Douglas Putnam and Henry Fearing, committee of arrangements. This year, with other matters of interest, a plowing match came off in the morning; then a procession was formed at the court-house by the marshal, Francis Devol, and moved to the Congregational meeting-house, where Ephraim Cutler delivered an address, after which the society partook of a public dinner. The fact that then no history of our early settlement or civil organization had ever been published, and most of the actors in those interesting scenes had passed away, led him to review and dwell at considerable length upon those early times, giving less attention to topics usually discussed on such occasions. Among other things, he said:

“There are some still living who came to this place at a time when savage beasts and savage men prowled uncontrolled through every portion of these widely extended regions, which now compose states, containing nearly two millions of people. It may not be improper to spend a few minutes in relating some reminiscences of facts and circumstances which led the way, and attended the progress of settling Marietta, the first place where law and order were proclaimed north-west of the Ohio.

“The character ought to be known of these bold pioneers who, at the risk not only of their own lives, but that of wives, children, and friends, placed themselves nearly one hundred miles in advance of all others, sustaining their position through a bloody and disastrous Indian war, in which two gallant armies were defeated and nearly destroyed.

“It is said that certain epochs in the history of nations will always attract to themselves a lasting interest. Among other things, their origin awakens a lively curiosity. From whence did they spring? At what period was their country settled? For what causes, under what circumstances, and for what objects were difficulties met and overcome? These are questions so natural that they

rise almost spontaneously in every mind, and are intimately connected with our pride, our character, our hopes, and our destiny. He who looks back upon a long line of illustrious ancestors can not forget that the blood stirring in his own veins is drawn from the same source, and the light reflected by their virtues casts upon his path a cheering radiance. And he, who may not claim kindred with the mighty dead, feels that they are the common inheritance of his country, and that he has a right to share in their fame, and triumph in their achievements. Nor let it be supposed that this strong propensity of our nature to honor heroic worth is attributable to the indulgence of mere personal or national vanity. It has a higher and better origin. It is closely connected with that reverence and affection with which we regard our parents; with that gratitude we accord to the benefactors of our race; with that piety which reads in the progress of events the peculiar superintendence of an all wise and benevolent Providence; with that charity which binds up our interests in those of mankind, and with that sympathy which links our fate with all past and future generations.

“The toils and misfortunes incident to new settlements; the slow progress of even successful effort; the patience, fortitude, and sagacity by which evils are overcome or diminished; the causes which quicken or retard their growth, all furnish lessons which improve the wise, correct the rash, and alarm the improvident.

“In searching for the causes which probably gave the first impulse and direction to the minds of the first settlers to the Ohio, we are led back to that period when America was struggling with proud and powerful Britain for independence. Their fathers had been forced to leave their native land, kindred, and friends, and settle on the then wild and inhospitable Atlantic shores. There they expected, peaceably, to enjoy civil and religious freedom; but as they grew and prospered, that haughty and oppressive nation sought to deprive them of rights they held most dear. Aroused at length, they declared to the world that they ‘of right were (and with the blessing of God),

would ever remain free and independent states.' A large portion of those who composed the Ohio Company were men who stood forth in that war the champions of their country's cause, and they, or their sons, formed the veteran band who commenced the work of improvement and order in these vast regions.

"During the progress of the eventful struggle with Great Britain, America was sometimes reduced to seasons of great distress. In one of these gloomy periods the question was solemnly discussed at the table of the illustrious commander-in-chief, What shall we do if our enemy succeeds in her designs? Submit we will not, and whither shall we fly? 'Behind yonder mountains,' replied that great man; 'there we can be free. The valley of Ohio, fertile as ancient Egypt, will afford us all we desire; the mountains will be a barrier; we can defend ourselves there, and can be happy.' This was told by officers to their men, by all to wife, brother, and friend, and thus became diffused far and wide. Soon after, by the guiding influence of the Ruler of men, peace and independence blessed our happy country.

"But the most of these men, whose breasts had been their country's chief bulwark in those trying times, and many of whom had spent the prime and vigor of manhood in that eight years' war, were left without a home, and with very little to procure one; there were others who, in their zeal to support the cause, had sold their property, and by either lending the avails to their country, or trusting to its plighted faith, found all was sunk in the depreciation of its currency. At this period the government was entirely unable to reward meritorious services, or to fulfill its promises to the one or the other. They were thus compelled to look for a new country to form their future habitations. The recollection of Ohio came fresh to their memories; the embryo, the germ formed as before related, took life and growth. A number of these men, mostly distinguished officers of the Revolution, assembled at Boston, and agreed to form the 'Ohio Company.' A purchase for the company was made

from Congress, of lands their valor won; and on the 7th of April, 1788, Gen. Putnam, Col. Sproat, Major Haffield White, Capt. Jonathan Devol, and forty-three others landed and took possession of this place. On the 9th of the following July, his Excellency, Gov. Arthur St. Clair, arrived; and soon after—attended by Gen. Parsons and Gen. Varnum, supreme judges; Col. W. Sargent, the secretary or deputy governor; Gen. Putnam and the citizens resident in the country—proclaimed civil government for the first time in the North-west. On this interesting occasion Gov. St. Clair made a pertinent address, in which he says: ‘The executive part of the administration of this government has been intrusted to me, and I am truly sensible of the importance of the trust, and how much depends upon the due execution of it to you, gentlemen, over whom it is to be immediately exercised, to your posterity, and perhaps to the whole community of America.

“‘When I reflect upon the character of the men under whose immediate influence and example this particular settlement, which will probably give a tone to all that may succeed it, will be formed, I have no reason to fear the result. From men who duly weigh the importance to society of a strict attention to the duties of religion and morality, in whose bosoms the love of liberty and of order is a master passion; who respect the rights of mankind, and have sacrificed much to support them; and who are no strangers to the decencies and to the elegancies of polished life, there is nothing to fear.’ He also expressed the wish that the example they should give to the natives might ‘be the happy instrument in the hands of Providence of bringing forward that time which will surely arrive, when all the nations of the earth shall become the kingdom of Jesus Christ.’

“During the first ten years the progress of the settlements was slow. An Indian war broke forth, with all its horrors. An important settlement at Big Bottom was taken by surprise, and the most of its inhabitants destroyed. That excellent partisan officer, Major Goodale, the brave Captain King, the gallant Captain Rogers, and

several others fell victims to savage ferocity, or went into captivity never to return.

"The situation of these settlements was distressing. The enemy, in full possession of all the headwaters of Muskingum and Hockhocking, could convey themselves on those streams, with all security, to, or near these exposed garrisons. They could possess themselves of all the hills that overlooked the stockaded forts, and if a man ventured forth it was at the utmost hazard. Many were the hairbreadth escapes, many the bold and daring deeds, and much the cautious wisdom which will ever distinguish the fireside stories of those perilous times.

"The warning sound of the faithful watch-dog has often caused the tender mothers of some of you, my hearers, to press you more closely to their bosoms, fearing that in a few moments you would be snatched from their arms, and that they and those they held dearer than life would be dispatched to the world of spirits by the tomahawks of the inhuman savages.

"Two armies, under brave and experienced commanders, and composed of officers and men equal to any that ever trod the tented field, were defeated and nearly annihilated by our savage foes; but that God who gives strength to the weak, enabled the handful of men at this point to maintain their posts. They possessed no common character. Born in a land of liberty, they knew the boundaries between good order and licentiousness. They stood forth the strong, efficient defenders of their country, in the days of danger. When Washington reported that nearly four thousand of his men were unfit for duty from the want of shoes and clothing, they were there. When the snowy, frozen ground in Pennsylvania, New Jersey, and other parts of the United States was marked by our soldiers with footsteps filled with blood, they were there. When as proud banners as ever waved in Europe were surrendered by Burgoyne and Cornwallis, they were there. They were there to the end.

"The good La Fayette, when he visited Marietta, inquired with intense interest, 'Who were the first adven-

turers to settle Ohio?' On hearing their names: 'Ah!' said he, 'I knew them well. I saw them fighting the battles of their country at Brandywine, Rhode Island, Jamestown, and Yorktown. They were the bravest of the brave. Better men never lived.' *

"The pioneers of the forest have not all passed away, † seven still live of those who first landed here with General Putnam. A number of others who came shortly after, and witnessed the most of what I have attempted to relate, still survive; and we rejoice to find some, whose heads are whitened with nearly four score years, remain to behold the wonders of this wonderful age."

To the address from which the foregoing extracts have been made was appended the following:

"Schedule containing the names of the principal civil officers of the government of the territory north-west of the river Ohio.

"*Governor*—Arthur St. Clair.

"*Secretaries* (with power to act, as deputy, in the absence of the governor)—Winthrop Sargent, Charles Willing Byrd.

* The officers belonging to the line of the Revolutionary army who were among the early settlers of Ohio, and here alluded to, were: Major-Generals, Arthur St. Clair, Samuel Holden Parsons; Brigadier Generals, Rufus Putnam, James Mitchell Varnum, Benjamin Tupper; Colonels, Ebenezer Sproat, Return Jonathan Meigs, Robert Oliver, Winthrop Sargent, William Stacy, Joseph Thompson, Israel Putnam, Archibald Crary; Majors, Nathan Goodale, Nathaniel Cushing, Haffield White, Asa Coburn, Ezra Putnam, Jonathan Heart, Anselm Tupper, Dean Tyler, Cogswell Olney; Captains, Zebulon King, Jonathan Cass, Jonathan Stone, William Dana, Josiah Munro, Jonathan Devol, William Mills, Robert Bradford, Oliver Rice, William Rogers, Benjamin Brown, Charles Knowles, Jonathan Haskell, George Ingersoll, Elijah Gates, Peter Phillips, William Breck; Lieutenants, Joseph Lincoln, Ebenezer Frothingham, Thomas Stanley, Neal McGaffey, William Gray, Benjamin Convers.

† Peletiah White and Amos Porter, Esquires; Messrs. Phineas Coburn, Allen Devol, and Benjamin Shaw, of Washington county, Ohio; Major Jervis Cutler, of Nashville, Tennessee; Hezekiah Flint, Esquire, of Cincinnati, are supposed to be all who now survive of the forty-seven.

"Supreme Judges — Samuel Holden Parsons, James Mitchell Varnum, John Cleves Symmes, Rufus Putnam, Joseph Gilman, Return Jonathan Meigs, Jr.

"Legislative Council—Abraham Van deBurgh, of Vincennes; Robert Oliver, of Washington county; Colonel David Vance, of Belmont county; Jacob Burnet and James Finley, of Hamilton county; Solomon Sibley, of Detroit.

"Members of Congress from the Territory—Paul Fearing, Gen. William H. Harrison, William McMillan.

"Members of the Territorial Legislature from Washington County—Col. Return J. Meigs, Paul Fearing. *Second*—Wm. R. Putnam, Ephraim Cutler.

"Civil Officers of Washington County—Judge of Court of Probate, Paul Fearing.

"Justices of Court of Common Pleas—Dudley Woodbridge, Isaac Pierce, Daniel Loring, Griffin Green, Peregrine Foster, Ephraim Cutler.

"Prothonotary and Clerk of Sessions—Benjamin Ives Gilman.

"Sheriff—Ebenezer Sproat.

"Coroner—Charles Green.

"Justices of Court of Quarter Sessions and Justices of the Peace—Isaac Pierce, Dudley Woodbridge, Thomas Lord, Robert Oliver, Griffin Greene, Ephraim Cutler, Robert Safford, Alvin Bingham, John Wilkins, William Harper, Brewster Higley, John Robinson, Joseph Barker, William Burnham, Joseph Buell, William Rufus Putnam, Thomas Stanley, Samuel Williamson, William Whitten, — Wing, Samuel Carhart, John McIntire."

This address, delivered in 1829, over sixty years ago, may be regarded as the starting point of a line of historical inquiry that has since been followed up by Dr. Hildreth* and others. At the time of its delivery it was

* Dr. Samuel Prescott Hildreth was born in Methuen, Essex county, Mass., September 30, 1783. He received a diploma from the Medical Society of Massachusetts in 1805, and came to Ohio in 1806, settling at Marietta, where he acquired a large and successful practice. Dr. Hil-

the first public effort to preserve the memory of the noble founders of Ohio from oblivion, and was received with great satisfaction by the old pioneers who were then living, and has stimulated their posterity to subsequent efforts in the same direction. It was then regarded as a valuable contribution to authentic history, and the society, before whom it was delivered, requested a copy through their secretary, Dr. S. P. Hildreth, for publication. It came into the hands of Hon. S. F. Vinton, who wrote to Judge Cutler, December 21, 1829:

"I received by this day's mail your address to the Washington County Agricultural Society, which I have perused with great pleasure, and, as one of the individuals composing the great and growing western family, I can say with much sincerity that I feel under great obligations to you for the valuable historical information it contains. The history of the early settlement of Ohio, and the sufferings of the early settlers, are but imperfectly known even in our own district of country, Your address will have a wide circulation, and dispel the darkness that has heretofore enveloped that portion of our history."

dreth is better known, however, by his literary productions, the principal of which are "Pioneer History," published in 1848, and "The Lives of the Early Settlers of Ohio," published in 1852, under the auspices of the Ohio Historical Society, of Cincinnati. Besides these, he made many valuable contributions to various medical, historical, and scientific journals. He died July 24, 1863.

CHAPTER IX.

ROADS—MARIETTA AND CHILLICOTHE TURNPIKE—BALTIMORE
AND OHIO RAILROAD—1837-39.

From the time of his arrival in the Territory North-west of the Ohio, in 1795, Ephraim Cutler was active in opening roadways through the wilderness. The settlements on the Ohio Company's Purchase, begun in 1788, had been located on the banks of the Ohio and Muskingum rivers, and the usual mode of communication between them was by small boats on those streams. The Indian war prevented the making of roads, but, on the return of peace, when the people left the garrisons to occupy their lands and form new settlements remote from the rivers, these became a positive necessity. Being a practical surveyor, he was able to aid in the development of the country by laying out many short roads for the convenience of the settlers. Besides these, he surveyed and cut out a road forty miles through the forest, from Waterford to the Salt Works in Muskingum county, in 1796; and, as has been stated, a few years later, the road from Federal Creek to the Muskingum, and was also employed in locating the eastern portion of the road leading from Marietta to Cincinnati, in 1801. Washington county includes a large extent of broken, hilly country, traversed by numerous streams, presenting an unpromising surface for the construction of good roads—difficulties which a century of occupation has not yet fully overcome.

To promote commercial enterprise, and for the benefit of travelers, the citizens of Marietta and vicinity sought legislative action to secure the construction of a turnpike road from Marietta to Chillicothe.

January 18, 1830, the general assembly appointed "Jas.

T. Worthington, of Ross county, Charles Harper, of Athens county, and Ephraim Cutler, of Washington county, commissioners to view and lay out a route for a turnpike road from Marietta through Athens and McArthurstown to Chillicothe." The canal commissioners were to provide a competent engineer to survey the road and make estimates of the cost of its construction. A year passed before Mr. Andrew Young was detailed for that service. In January, 1831, the survey was commenced at a point near Chillicothe, and a careful and laborious examination was made of different routes to Athens; from thence it was continued down the valley of the Hockhocking sixteen miles, and thence across the country to the mouth of Little Hocking, and up the valley of the Ohio to Marietta. Another more northern, or hill route, was surveyed from Marietta to Athens. The enterprise was subjected to many delays. The engineer's report was not ready before January, 1834, and then the commissioners, in their report to the legislature, were not united in opinion on the route from Marietta to Athens. General Worthington and Judge Harper recommended the valley route, while Judge Cutler reported in favor of the northern or hill route, giving his reasons therefor. The final action of the legislature was taken five years after the commissioners were appointed, and the result was announced to Judge Cutler by a note from Isaac Humphreys, Esq., who then represented Washington county. He writes:

"Knowing the deep interest you feel in being fully sustained in your minority report, regarding the Hocking valley and the hill route through Amestown, Berne, Wesley, etc., although much indisposed, deem it my duty to inform you without delay, that the northern or hill route is finally fixed on as the permanent route. We dare not, previous to its being established, ask for an appropriation, but now we can turn our attention to that very desirable object. An appearance of returning health induces me to believe that much attention can be given to the subject."

Believing that the lack of suitable highways had retarded the development and hindered the prosperity of

that part of the state which the turnpike was expected to benefit, and that a more liberal policy was due from the state to this section, Judge Cutler writes: "Our citizens feel that they have a claim on the state, founded on the broad basis of justice. A short history of our political relations with other portions of the state will, we think, illustrate this very clearly. The most of the land through which this road has been surveyed, was among the first ever purchased in Ohio. It has been taxed for every purpose for which lands have been taxed since the first establishment of civil order northwest of the Ohio, and for a long time when only a very small portion of other lands in the state were taxed at all. It is remembered by us that the convention which formed our state government, entered into an agreement with the United States to exempt all their lands from taxation for five years after they had been sold. And we remember, also, that for more than twenty-three years the whole amount of revenue for civil government, direct taxes to support the late war, and for purposes of a general nature, was raised from a tax on land alone; and that this whole district was oppressively taxed by the unequal operation of the old system of taxation. While the purchaser of United States' lands has been exempted from the payment of not more than ten dollars, probably, on each 160 acres he may have purchased, every foot of our land was taxed until at length, in many instances, more money has been paid in taxes than the land is now worth. We have also, with cheerfulness, paid our proportion of the expense in constructing the canals and other improvements to promote the prosperity of other portions of the state." Opposition sprang up from unexpected quarters, and no appropriation was made to build the turnpike.

The people of Marietta, while endeavoring to secure a turnpike road to Chillicothe, were at the same time seeking to improve their means of communication with the eastern cities. The merchandise to supply this section of country was then brought over the mountains in wagons; and horses, cattle, sheep and swine went on foot

to those distant markets. A good road from the eastward to the Ohio was much desired. Such a road was in process of construction from Winchester, Virginia, as early as 1831, and to secure its direction toward Marietta was the object of the subjoined correspondence.

“TO EPHRAIM CUTLER, ESQ :

“*Dear Sir* :—Since our conversation with you the other day, on the subject of Winchester, Va., road, as connected with the turnpike from Marietta to Chillicothe, a number of the citizens of Marietta have been together and consulted on the best mode of conducting the subject. Our course is to request you to make out a statement of the route surveyed; its advantages as connected with that road, and the communication with the Ohio canals by the Muskingum Valley; and address it to the undersigned.

“This will be forwarded to Mr. Duncan, of Clarksburg, Va., who is now in Richmond, and will lay it before the governor, with whom the final location rests. Mr. Duncan has been addressed on the subject, and is decidedly in favor of the mouth of the Muskingum, as are also one half of the people of Clarksburg. It is desirable to have your communication as early as possible, that it may be in Richmond by the first of July.

“We are, respectfully, your obedient servants,

S. P. HILDRETH,
ARIUS NYE,
A. V. D. JOLINE,
AUGUSTUS STONE,
L. BARBER.”

“MARIETTA, *June 17, 1831.*

To this letter the following reply was made :

“WARREN, *June 20th, 1831.*

“*Gentlemen* : I have your note before me, and in complying with your request, will endeavor to give a brief statement of the subject.

“The survey of the route for the turnpike from Marietta

by Athens, to Chillicothe, was made in January and February last, some part of which is under consideration of the commissioners and will not be determined until further examination is made. It will probably intersect the Hockhocking Valley about two miles above Athens, and thirty-nine from Marietta, and about forty miles below Lancaster. By laying a line on one of our most correct maps, with one end at Washington city, and the other at Chillicothe, it is found to very nearly intersect Winchester, Romney, Clarksburg, and Athens. The commissioners, in fixing the location of the Marietta and Chillicothe turn-pike have aimed to keep as near this line as the nature of the country will admit. They anticipated that Virginia would authorize the establishing of the Winchester road, and it is obvious, that by connecting these roads at the Ohio River, a valuable national purpose will be attained. An avenue, the most direct, from the seat of the National Government to the heart of Ohio, and also to the Ohio canal by the valley of the Muskingum, are benefits that must result therefrom.

“By the late census, the counties of Washington, Meigs, Athens, Hocking, Jackson and Ross have attained to a population of 61,677. A district of country, composed of the county of Morgan, the northern part of Washington and Athens, and the southern part of Perry and Hocking counties, is at this time, very rapidly filling up with emigrants from various parts, a large portion of whom were originally from Virginia. The attention of the enterprising and industrious has lately been attracted to this region by the facility with which salt water is procured in the valleys of Muskingum and Hockhocking; and also by the success which has attended the raising of sheep, which is becoming an object with farmers throughout this section. There is little doubt that this district will continue to increase in population and wealth as fast as any portion of the state. Few counties in Ohio have increased in a greater ratio than Morgan county during the last decade. The number of inhabitants ten years ago was about 5,000, at the late census it was 11,800.

"All the counties which I have named are interested in these improvements. The nearest point on the navigable waters that flow into the Atlantic is Alexandria or Washington City. Some portions of these counties are peopled almost exclusively from Virginia. They, naturally, would renew their trade and intercourse with their native country.

"The roads that already lead into Marietta, as to a focus, are from Clarksburg, Wheeling, Woodsfield, Barnsville, Cambridge, Zanesville, Lancaster, Chillicothe, Gallipolis, Charleston, Va., etc. The most of these are post roads, and stages will soon be established on the greater part of them. There is no other point on the Ohio where such a road could intersect it, which has equal advantages.

"The navigation of the Muskingum, and a connection by it with the Ohio canal, is a matter of consequence paramount to all others. The natural course of trade seems to be that business begets business. The salt manufactories on the Muskingum and Hockhocking bid fair to compete with the New York and Kanawah salines, and must greatly increase business and wealth.

"The improvement in the farming interests, in the raising of horses, cattle, sheep and hogs, is evident; and much of the increase will seek a market in Virginia and Maryland through this channel. The commercial intercourse which must ensue between Alexandria, Winchester, etc., and this section of country, will be considerable. These facts, taken together, are sufficient to awaken the attention of every lover of his country to these improvements, and to the importance of having them properly located.

"You are at liberty to make what use you please of these suggestions, which I have very hastily and crudely thrown together.

"With great respect, I am yours,
EPHRAIM CUTLER."

"Dr. S. P. Hildreth, Arius Nye, Esq., A. V. D. Joline,
Col. Augustus Stone, Col. Levi Barber."

To return to public improvements in Ohio. While the fate of the Marietta and Chillicothe turnpike was still undecided, the improvement of the Muskingum river, by slack water navigation, began to attract public attention in Washington county. The general interest in this subject was fully shared by Judge Cutler. The following letter from Mr. Humphreys to him shows that this measure met with much less opposition than the turnpike encountered.

Mr. Humphreys writes from Columbus, on the 19th of December, 1835 :

"It is probable that Mr. Morris will not bring his turnpike bill forward this session, as he is engaged in a plan to render the Hocking navigable by canal to Athens, and from thence to the Ohio by a slack-water navigation. It is probable that during next week a bill will be presented, pursuant to notice, for improving the Muskingum. . . . Our prospects of success are not only favorable, but very favorable. Yet all depends on our future relations with France. If we should be engaged in war, the state will not engage in any further loans to complete her grand system of internal improvements. The entire representation, from Cleveland to Zanesville, and thence to the town of Marietta, of Meigs, Athens, Perry, and Richland, will aid in supporting and voting for the measure, and my hopes of success are flattering."

Happily, Mr. Humphreys's hopes were not disappointed. The bill passed the legislature, and an appropriation of \$600,000 was made to begin the work, which has proved to be of permanent value.

With this improvement assured, the people of Marietta and Washington county renewed their efforts to secure an outlet toward the sea-board, which they hoped to obtain through the Baltimore and Ohio Railroad, now slowly progressing westward; and they selected Judge Cutler as their agent in the matter, as will be seen from the following correspondence :

"EPHRAIM CUTLER, Esq.:

"*Dear Sir*—We wish for some person to go along the route from this place to Western Port, and on to Baltimore, in order to arouse the people on the line to their interests, collect facts, and remain at Baltimore as long as necessary to promote the objects of the committee.

"Will you have the goodness to take this subject into consideration, and let us know, as soon as possible, if you would undertake it yourself? We are of opinion that you are better qualified to perform this duty than any other person near us, and think it important that we should move speedily in this matter.

"NAHUM WARD,

"AUGUSTUS STONE,

"JOHN MILLS,

"C. EMERSON,

"MARIETTA, *March 13, 1837.*

Railroad Committee."

The object of the committee in the proposed mission is more fully stated in a letter received two weeks later, dated Marietta, March 27, 1837:

"TO THE HON. EPHRAIM CUTLER:

"*Sir*—The undersigned, a committee appointed by the citizens of the county of Washington for the purpose of laying before the President and Directors of the Baltimore and Ohio Railroad Company the important and various advantages that must result both to the public and said company by running said railroad from Winchester, or some point from the top of the mountains on the route to this place, have appointed you as their agent, to proceed from this place by way of Clarksburg, Romney, Kingwood, and Winchester, and from thence to the city of Baltimore.

"You will take notes as you pass over the country, such as may be useful to us, and interesting to the furtherance of our object, to be laid before the president and directors of said R. R. Co., and especially to direct your attention to that part of the route on the waters of Savage river to

Winchester, of which no recognizance was taken by Barney and Trimble. This may be important for you when you reach Baltimore.

"You will endeavor to awaken the citizens of Virginia on the route to call meetings, and have corresponding committees appointed to solicit the further examination of this route, by the Board of Directors of said R. R. Company, and set forth in strong terms that unless the citizens on the route from this to Harper's Ferry will take an active interest it may fail altogether. It is very natural to suppose that if the route from Winchester to this place is adopted by said R. R. Company, as one track, that the State of Virginia will make a very liberal subscription to the stock; and you may hold out to the president and directors, on your arrival in Baltimore, that the State of Ohio will stand ready to take up this road from Marietta and extend it to the lake at the mouth of Black River.

"We will suggest to you the propriety of consulting some of the principal citizens of Baltimore, who take an interest in our route, previous to your calling on the president and directors of said company.

"You will endeavor to obtain from the Board of Directors some definite expression as to the further examination of our route by said company, in order that we may take such further steps as may, in that case, be most advisable.

"When you have accomplished the object of this mission you will return direct to this place, or by the route you go on, as you may deem most advisable. If, as is to be hoped, you make a favorable impression upon the Board, and can obtain in writing from the President a favorable expression that will, in your opinion, justify you in making report to the citizens on the line of our route verbally, in order to excite them to immediate action; perhaps it will be the best course to pursue.

"On your return you will please make known to us the result of your agency.

"Wishing you great prosperity and a safe return, we are respectfully,

"Your obedient, humble servants,

NAHUM WARD, AUGUSTUS STONE,

CALEB EMERSON, DAVID BARBER,

JOHN MILLS, JOSEPH BARKER,

Railroad Committee for Washington County, Ohio."

A long journey on horseback, over roads far from good at any time, and almost impassable in the spring season, through storms and across swollen streams, where there were no bridges or ferry-boats, was not a pleasure excursion to a man seventy years old, and to one less resolute and inured to the saddle, would have been impossible.

He left Marietta for Baltimore, March 30, 1837. In the fragmentary notes written during this trip he says: "In crossing the Monongahela River, my horse swam nearly the whole distance across, the water coming almost over his back. I received no other damage, by the goodness of Providence, than having my boots filled and my clothes somewhat wet. Nine miles of the turnpike to Clarksburg is finished, and the traveling on it very bad." He spent two days in Clarksburg, where, he writes: "A very respectable public meeting was held by the citizens of the town and county, which I was invited to address, and give information on the subject of my mission. I was listened to with the most flattering attention, and they passed resolutions approving the project, and appointed a committee to memorialize the Baltimore & Ohio directors."

The morning he set out from Clarksburg the ground was white with snow, and he rode to Pruntytown through a very severe snow-storm. The weather continued inclement, and more or less snow fell for several successive days. He pursued his journey through Kingwood, where "they have no confidence in the railroad," forded several streams, and ferried over Cheat River in another violent snow-storm. When he came to the north branch of the Potomac he writes: "The branch can not be rode with safety, having risen by a heavy rain last night, so as to be dan-

gerous passing. No bridges in this part of Virginia. I am astonished at the miserable appearance of Westernport. Sargent's building, three stories high, designed for a warehouse and store, erected more than thirty-five years ago, and then left unfinished without windows or doors, remains in much the same condition, excepting decay, and so it has been all these years. As there is no flatboat in which I can cross the branch with my horse, I shall proceed to Black Oak Bottom." At Cressapstown, where he spent the Sabbath, the mountains were white with snow. The next day he set out for Romney. "The sun has once more gladdened the face of nature. Since I left home I have encountered cold, stormy, windy weather; it has been cloudy every day except one, and snow or rain has fallen some part of each day. . . . I am surprised at the appearance of the country since I left Clarksburg. I find the same log-cabins, with few or no additions, that were here twenty or thirty years ago." Although he remarks upon this lack of progress, he was much impressed with the great natural advantages of the region through which he passed, commenting on its vast water power, valuable timber, and rich deposits of coal and iron. Fifteen days after leaving Marietta he arrived at Winchester, where he sold his horse and "went on to Baltimore by railroad, one hundred and twenty miles, traveling about nine hours."

April 17, 1837, he writes from Baltimore: "I came here on Friday, the 14th, and the next day delivered my letters of introduction. One was to Mr. James Thompson, formerly of Ohio, a commission merchant with whom I had a slight acquaintance. He at once, in a very handsome manner, invited me to take up my quarters at his house. Yesterday, Sabbath, I heard from the Rev. Mr. Duncan an excellent lecture on the eighth chapter of Romans. I have seldom heard a more impressive discourse, or one more satisfactory to me.

"The terrible financial crash, the immense failures at New Orleans, amounting to many millions, and more especially at New York, where about one hundred and fifty individuals have failed, as some accounts state, for not less

than \$90,000,000, has alarmed, convulsed, and confounded all. Nothing could be more in opposition to my hopes of success, than this appalling state of things, but I have determined not to relax my endeavors to draw attention to the object of my mission here. The proceedings of the railroad meeting, held at Clarksburg on my way to this place, are being published in all the Baltimore papers."

On April 25th, he writes: "I have not yet seen the Board of Directors together, but have met and conversed with a number of them, and have explained the importance of a re-examination before the route is decided upon. Some of them are very ignorant of Ohio, and know but little of the geography of the country through which the road is to pass. One director assured a friend of mine, that Marietta was two hundred and fifty miles farther than Wheeling from Baltimore! Others, however, are better informed, and comprehend the propriety of moving in a straight, direct line, in preference to a curve, in order to arrive at a given point, and readily give assurance of support to our petition for an examination and survey. The Board consists of twenty-four members, a number of whom are Quakers, said to be under the control of Mr. Thomas; another portion are merchants whose business and correspondence connect them to a great extent with Pittsburg and Wheeling. Those who thought at all on the matter supposed that it was settled that the road must go to one or both of these places. The subject has been much discussed by all parties, and I am told that public opinion is greatly changed. Intelligent men here, after the whole matter is explained, freely acknowledge that the route to Marietta ought to be adopted.

"The Board, as yet, has taken no action farther than to procure from Government a corps of engineers, who are now examining five different routes:

"1st. To Boonesboro and Hagerstown.

"2d. To Cumberland and mouth of Savage, by Winchester and Romney.

"I have had a long and interesting conversation with Mr. Knight, the head of this party, who did not hesitate to give his opinion that this would be the route adopted, with a

lateral road from Romney to Cumberland, and that the main stem would go direct to Savage, up that stream and Crabtree, and cross the Back-bone near Armstrong's in the Glades.

"3d. A party are examining from Back-bone to Wheeling.

"4th. One from Cumberland, up Wills creek, by Castle-main river, to Pittsburg.

"5th. Another party from Cheat river to Pittsburg.

"It appeared to me that now was the time, if ever, to secure an examination towards the Muskingum. I have accordingly prepared a statement or memorial to present to the Board of Directors, explaining the situation of our section of country, with the prospect of future useful and extended improvements from Marietta and points on the Muskingum."

"MEMORIAL :

"To the President and Directors of the Baltimore and Ohio Railroad Company :

"The undersigned, appointed by the citizens of Marietta and Washington County, Ohio, to lay before your honorable body the important and various advantages that must result to the public generally, and particularly to the City of Baltimore, and to the Baltimore and Ohio Railroad Company, by running said road from Harper's Ferry in a direction for, and finally to reach the Ohio at or near the mouth of the Muskingum river, would most respectfully represent :

"That the people of the valley of the Muskingum have understood by the memoirs and reports of the corps of engineers, made April, 1828, that it was assumed as practicable to construct a railroad by way of Savage river, through Preston, Harrison, and Wood counties, Va., to reach the Ohio, at, or nearly opposite, the mouth of Muskingum river.

"With a view of presenting to the notice of your honorable body the great importance to the city of Baltimore and the Railroad Company, with the benefits which must ensue by adopting this route, the undersigned will confine himself, principally, to the facts and prospects which may

reasonably be expected to attend the extending this great national improvement to this point; and notice, also, some works of corresponding utility now being constructed, or which are confidently anticipated from the enterprising energy of the western people, which must increase, eventually, the commerce of Baltimore and the revenue of the railroad to an amount which can not fail to realize the most sanguine expectations of their friends.

"1st. Your attention is solicited to the importance of connecting this conveyance of goods and passengers with the *steamboat navigation* on the Muskingum, which must be completed to the Ohio canal within three years, as all the locks and dams are under contract, and are now progressing with energy to consummate this object. There is little room to doubt that the favorable opinion of the Board of Public Works will induce the legislature of Ohio to construct (on account of the state, or by authorizing a company) a continued *steamboat* communication, by the way of the Walhonding, Kilbuck, and Black rivers to Lake Erie. This measure, when accomplished, will provide, for this cheap and speedy mode of communication, in a distance of 200 miles, a connection of the great northern with the southern waters. There is much reason to expect that at no distant period a railroad will be made from Marietta up this valley to the mouth of Black river, as this can be effected at a comparatively small expense, there being no elevation to excavate or high summit to pass over. It would also unite the interests of a region destined to be as important as any of equal extent in this or any other country, already abounding with an immense amount of surplus produce, and tobacco, also salt, coal, and iron in inexhaustible abundance. The hydraulic power which must soon be ready for application, of which it is declared by the Board of Public Works, that 'the Muskingum will yield an amount that has no parallel in the United States,' and much of which, between Marietta and Zanesville, will soon be employed in great manufacturing establishments. All these combined can not fail to produce a most favorable effect on your great interest.

"2d. The importance of a continued western route from Marietta to Athens and Chillicothe is also submitted to your consideration. A route for a turnpike road has been examined, between these points, by commissioners, assisted by a skillful engineer appointed by the state; the route has been established by the legislature of the state, and a company incorporated to effect the accomplishment of this object. To Athens, there is a canal in construction from Lancaster; thus a communication will be opened with that valley, which also abounds with mineral riches, such as iron, salt, coal, and probably others of commercial importance. But by the survey of this road, another important fact is brought to view, in determining that a railroad may easily be constructed from Marietta to Chillicothe, a distance of 100 miles, and thence to Cincinnati in nearly the same direction 100 miles further, which would connect the interests of the emporium of trade in the west with Baltimore, by a distance which will not much exceed 500 miles, which is most certainly far the shortest route that can ever be contemplated, it being a geographical fact that a straight line drawn from Baltimore to Chillicothe will intersect Clarksburg, Marietta, and Athens, a very small deviation to the left will reach Cincinnati, and to the right, Dayton or Indianapolis.

"3d. The importance of this route is increased by passing directly through the rich mining regions in Preston, Harrison, and Wood counties, Va., whose forges and furnaces must soon darken the air with their smoke, and yield a stream of wealth to enliven commerce, both at the east and the west.

"4th. And the superior advantages in providing a route which will enable the western merchant to procure his goods at an earlier period in the spring, and one not liable to disappointments from low water or ice in the Ohio, will not escape the notice of the intelligent merchant. In comparing the advantages of Wheeling as a place of destination for the road, with Pittsburg, it has been justly observed that 'the Ohio is sometimes too low in summer, and in winter is mostly frozen.' This will apply with

equal justice in the comparison between Wheeling and Marietta, as the Ohio receives no accession of water by any large stream to benefit the navigation above Marietta and below Pittsburg, and the difference in latitude between Wheeling and Pittsburg is indeed small.

“The distance between Baltimore and the mouth of Muskingum, and of the same from Wheeling, are about the same; and no reason has yet been assigned to show that the expense of constructing the road to the one will exceed the other; the expense of carriage on the road must necessarily be equal; the saving, then, of distance in travel to all destined to the Muskingum and below, must be at least eighty miles. The traveler would also arrive at a point where he would seldom meet with any difficulty in descending the Ohio from the causes assigned as objections to Wheeling and Pittsburg; the merchant of the West would thus be enabled to have his goods conveyed more regularly, and more in season for his customers than he could possibly obtain them from New York or Philadelphia by the way of Pittsburg, and of course your city would, to a great degree, be placed beyond competition from those places.

“In conclusion, it may not be improper to remark that great confidence can safely be placed in the co-operation of the state authorities of Ohio for granting every aid to advance the views and best interests of the city of Baltimore and the company, if their measures should promise reciprocal advantages, such as will, in the end, insure the mutual benefit of the great body of their people, and of the said company.

“It is matter of history that Ohio, with a boldness and energy without a parallel, entered into the most extended system of internal improvements (even while all others were in experiment), and their success, hitherto, has far exceeded their most sanguine expectation, benefiting, in a greater or less degree, every portion of the state. The people, therefore, will ever be ready to sustain their government in all enlightened measures, without regarding the magnitude of the undertaking. They also look upon

Baltimore as placed in a geographical position, uniting greater natural advantages, as a great commercial mart on the Atlantic waters, to supply their wants and receive their produce, than any other.

"The undersigned would, in behalf of those he represents, most earnestly solicit the consideration of the views he has the honor to present, and would most respectfully ask (if it is not inconsistent with your arrangements) that a further examination of the route, which has herein been presented, be ordered, and also inquiry made, not only of the facts stated, but of numerous others bearing favorably on this important subject. For a further and more luminous exposition of the benefits which must accrue to the city of Baltimore and to the railroad company, he would refer you to the accompanying expose of a committee of Washington County, signed by Nahum Ward and others, and notices of reports from the Board of Public Works, and engineers acting under their authority. All which is herewith most respectfully submitted.

"EPHRAIM CUTLER,

"Agent of the Citizens of Washington County, Ohio.

"BALTIMORE, April 25, 1837."

The Hon. Lewis McLane, President-elect of the Baltimore and Ohio Railroad, was at that time in New York. Judge Cutler's friends in Baltimore advised him to go and see Mr. McLane, in whom all placed entire confidence. Unwilling to return without some assurance that the examination asked for would be authorized, he went to New York, and from the Mansion House, in that city, writes:

"May 1, 1837.—This morning I called on the Hon. Lewis McLane, introduced by Dr. Coe, of Indianapolis, a very interesting man, with whom I became acquainted in Baltimore. I gave Mr. McLane my letters of introduction from Hon. Thomas Ewing, Hon. S. F. Vinton and others, with the memorial which I had prepared. He received me with much politeness, and assured me that the point where the road should reach the Ohio was a matter left open, or he would not have accepted the appointment of

President. After a pleasant interview he named the next evening for a further conference, when the whole subject can be fully discussed." Writing later he says: "Mr. McLane gave me a most courteous and favorable hearing, and promised to promote the object of my mission, but said that in the present state of the country, as respects monetary affairs, nothing farther could be done than to make examinations, but that I might rely upon it the route I recommended should be examined, and no route would be established until the people I represented had an opportunity to make farther representations.

"Respecting financial matters, all are in confusion and dismay here. A gentleman who visited me in Ohio more than thirty years ago, now a most respectable merchant here, told me that he had witnessed the embargo, the war, the cholera, and the great conflagration, and that, all together, they did not occasion so much distress in New York as the present crisis in money matters. How it will end is known only to Him who rules according to His own wisdom, and can bring order and prosperity out of disaster."

Judge Cutler's interest in the improvement of the country by means of railroads was an abiding one. In December, 1839, he received, while at Harrisburg attending the National Whig Convention, the following letter:

"MARIETTA, OHIO, *November 30, 1839.*

"DEAR SIR:—At a meeting of citizens of this county, held to-day in the court-house of this place, the undersigned were appointed a committee for the purpose of addressing the directors of the Baltimore and Ohio Railroad Company in reference to the termination of said road on the Ohio, so as to connect with the valley of the Muskingum. As you have heretofore acted as agent of our citizens in this behalf, and have acquitted yourself therein with great acceptance, we solicit your continued service in the agency, and that you will immediately repair to Baltimore and obtain interviews with the said Board of Directors, and seek to impress on the minds of its members the great importance of terminating the road in this section of the

Ohio valley. The subject and its bearings and details are so well known to you that we deem it unnecessary to add further instructions. We ask your report as soon as practicable. We are, sir, very respectfully,

NAHUM WARD,
JOHN MILLS,
JOSEPH BARKER, JR.,
AUGUSTUS STONE,
CALEB EMERSON."

The report asked for was made immediately after his return home, and is as follows:

"N. WARD, Esq., *Chairman of Railroad Committee, Etc.*—

"SIR:—Agreeable to the request of the Committee, as soon as the Convention at Harrisburg closed its business, I took the railroad cars and proceeded to Baltimore *via* Philadelphia.

"I found I could not have an interview with Mr. McLane without remaining some time longer than I could willingly devote to that object. I also believed that it would answer as valuable a purpose to condense what I suppose to be your views into the form of a letter addressed to him, as to communicate them orally. A copy of what I thus prepared accompanies this communication.

"I improved every available opportunity for obtaining information respecting the extent of the operations of the railroad company, their prospects and intentions.

"I find that they have completed the main stem of the road eighty-two miles, exclusive of the Winchester portion, which they also call the main stem. Though the negotiation with the Virginia Company, relative to merging the companies into one, is, I believe, not yet fully accomplished, every member of the board spontaneously called the Winchester road the main stem, and said it must ascend the Alleghanies to near Armstrong's in the green glades.

"Mr. McLane only succeeded in Europe to negotiate a sale of stock to the Barings and Company, London, to the amount of ten thousands pounds sterling per month, for

a limited time, perhaps eight or ten months, which enables them to continue the branch toward Cumberland, all of which is now under contract, a large part finished, and more or less done the whole way. It will probably be completed next summer. None of the road above Harper's Ferry is in use at present.

"The company now have on hand \$3,000,000 of the state of Maryland, and \$3,000,000 of the city of Baltimore stocks, none of which are disposed of except those to the Messrs. Barings, London, which is not expected to exceed \$500,000. They have now a project to render these stocks available by issuing bills, as a currency, of all denominations, that shall suit the public convenience, even to less than a dollar, stipulated to be redeemed in three years at three per cent. interest; and with this condition that holders to the amount of \$100 may receive a share of stock, which is \$100. They hope in this way to dispose of a good portion of their stocks.

"They have collected on the 82 miles of road now in use, upwards of \$700,000 during the current year, being an increase to a large amount by the burden cars, carrying goods, produce, etc., also some increase of passengers. The cost of the thirteen miles from Baltimore to Ellicot's Mills was \$60,000 per mile; the remainder to Harper's Ferry, \$20,000 per mile.

"It is held out in the late reports that it will take 360 miles to reach the Ohio, without specifying the point where. Those with whom I conversed were the individuals who, when I saw them two years ago, supposed Wheeling would be the place of termination. Although the hopes of some, who did not take a correct view of the difficulties to be encountered, have been disappointed, I believe the *intelligent* are not discouraged, but with confident assurance of success, anticipate its connection with the Muskingum.

"With sentiments of respect for your honorable committee, and for yourself, I am as ever,

"Your devoted servant,

EPHRAIM CUTLER."

The communication made to the president of the Board of Directors of the Baltimore and Ohio Railroad, mentioned above, was as follows :

“To the Honorable Louis McLane, President of the Baltimore and Ohio Railroad Company :

“ A committee of the citizens of Marietta, and Washington county, Ohio, appointed with especial reference to collecting information on the subject of the Baltimore and Ohio Railroad, have requested me to communicate with you, and to respectfully state, that to them it appears more clearly than at the time I had the honor to present to you, in 1837, a memorial on the subject of extending that great national work to the Ohio river, that to consummate this desirable object by giving it the direction to the mouth of the Muskingum river, would produce the greatest amount of public good, and prove far more beneficial to the company than any other route which can be adopted.

“ In addition to what was stated in the memorial referred to, they can now state the fact that the improvements, by slack-water steam-boat navigation of the Muskingum have been prosecuted with great spirit, and will probably be completed the ensuing summer. That a turnpike road has been constructed eastward from Marietta sixteen miles, through Ohio, intended to connect with the Winchester and Parkersburg roads in Virginia. That turnpikes are in progress to Zanesville and to Lancaster; and that the public appear to be aroused in favor of a railroad up the Muskingum to the Lakes, and westward towards Cincinnati, and the Father of Waters. It is presumed that to minds who could years ago conceive the project of constructing a railroad across the Alleghany mountains, and could do so much towards its accomplishment as has been already effected, it will not appear chimerical that the people of Ohio and the West, deeply as their interests are involved, should look forward with strong expectation that the Baltimore and Ohio Railroad will be continued until it reaches the Mississippi. Passing

centrally through one of the most fertile portions of the globe, containing now more than three millions of free, independent, intelligent, and enterprising inhabitants, increasing in numbers, improvements and wealth, far beyond any former example—stimulated by every excitement that can prompt the human mind to engage in great and noble undertakings, and with every reason to expect success—it appears to them that it must be accomplished.

“We apprehend that your progress for the present meets with embarrassment, caused by the unsettled state of monetary transactions, both in our own country and in Europe. We, however, earnestly and confidently hope that this state of things will not last long, but that you will soon ‘put things right, and then go ahead’ with accelerated motion.

“The importance of such a communication up the Muskingum and through the West becomes every day more apparent. Western Virginia looks to Muskingum for salt; Ohio and the westward will look to Western Virginia for iron. The West needs, and will seek her salt from the Muskingum and Hocking valleys. It is probable that millions of bushels of that article would be transported for a greater or less distance on the road, should it be continued according to the foregoing suggestion. Large quantities of tobacco are produced on or near the route designated. It would also pass over the burr millstone regions; in other parts, grindstones and other stone for various uses, would add to the business and profits of this road. The foregoing articles are mentioned as additional sources of revenue to the vast amount of goods, and all kinds of produce, which will seek a conveyance in this manner.

“You will observe that a direct line drawn from Baltimore to Chillicothe, Ohio, will intersect the point on the Alleghany mountains, where the road will probably cross; also Clarksburg, Va., and Marietta, Ohio. It could then be continued westward through a country where a railroad can be constructed with as little labor as in any other region, and might also connect by a very short branch,

with Cincinnati. It would traverse a most fertile region, now fast becoming densely populated. Some of the counties, and those among the earliest settled in Ohio, have nearly doubled their inhabitants in the last four years. The improvements made demonstrate the ability to assist in making, as well as the need of such a work as that in which you are engaged. In short, to us it appears that it is but to persevere in the right direction, and the fruition of every hope is certain. Baltimore must become the commercial emporium of the United America.

"It is a subject of great interest to the gentlemen I represent, and to the people of Marietta, and Washington county; and any information concerning your progress, or whatever else you may think proper to communicate, will be regarded as a favor, and be thankfully acknowledged. Any such communication may be directed to Nahum Ward, Esq., Marietta.

"In case a survey, or further examination towards the Ohio in the direction of the mouth of the Muskingum should be directed by your company, any local information or assistance will be most cheerfully rendered.

"With the highest consideration and respect,
EPHRAIM CUTLER."

"December 11, 1839.

CHAPTER X.

1837—1853.

VISIT TO NEW ENGLAND—PRESBYTERIAN GENERAL ASSEMBLY —HISTORICAL ASSOCIATION—LETTERS—CONCLUSION.

In 1837, while in New York on railroad business, Judge Cutler received a communication appointing him a delegate to the General Assembly of the Presbyterian Church, which was to meet in Philadelphia. As more than two weeks intervened before the assembly could convene, he decided to go on to New England, which he had left in 1795, at the age of twenty-eight years, and had never revisited. Extracts from letters and memoranda, written at this time, are here given :

“*May 3, 1837.*—Arrived at Killingly and went to the house kept by Capt. Luther Warren on the hill. Called on Mr. Simon Copp and Col. Torrey; then went to see my old minister and excellent friend, Rev. Elisha Atkins, now in his eighty-seventh year. I found him as erect as in his youth, and as graceful in his manners—a perfect gentleman. When I was introduced he said, ‘Cutler? Cutler? I once knew Ephraim Cutler, but he removed a long time ago to the West.’ I said: ‘I am the man.’ He clasped me in his arms and was so agitated that it took him some time to recover himself; at length he said: ‘There is not a man in the world I could be gladder to see.’

“From Mr. Atkins’s house we went to hear a lecture from Mr. Holman, his colleague. The meeting-house is a beautiful, well finished building, on a commanding site on North Killingly Hill, the prospect from which is enchanting.

“*May 4.*—I spent the most of this day (Thursday) in walking about Killingly, which is to me one of the pleasantest places I ever saw. I called on Mr. Atkins, Dr.

Grosvenor, Mr. Oliver Torrey, and other friends. Dined with Mr. Asa Cutler, and took tea at Mr. Joseph Torrey's. The next two days Col. Hobart Torrey devoted his time to driving with me, to give me an opportunity to see the astonishingly great improvements in the place. He took me to four factories on Five Mile River, beginning at the Mason, and ending at the Howe or Killingly. Next we visited the Rhodes factory, where I met Mr. Adams, who returned here some fifteen years ago from Ohio, where most of his father's family died during the sickly seasons, 1821-1823. He is now a tall, fine looking man, is happily married, and has greatly prospered. We then went to 'Wilkinson's Factory.' I found Mr. Smith Wilkinson, the principal, a most interesting, energetic, and valuable man. I had the happiness to see Mrs. Wilkinson, who is the daughter of my lamented and much loved friend, Samson Howe, Esq. We saw in all fifteen cotton and three woolen factories.

"We came home by the graveyard where are buried my grandfather, who died October 11, 1792; in the 87th year of his age; my grandmother, Susanna Cutler, who died April 8, 1774, in the 63d year of her age; my grandfather's second wife, Abigail Cutler, who died October 24, 1790. There, also, lies my uncle, Ephraim Cutler, who died May 22, 1766, in the 22d year of his age.

"May 8.—I spent Saturday night with Rev. Mr. Atkins; and on the Sabbath went to meeting. A large congregation were assembled, and the sacrament was administered. I had the satisfaction of joining in this solemn ordinance with a number of my old friends; and the sons and daughters of others, now gone to their eternal home. It was to me a day of as intense feeling as I, perhaps, ever experienced. To-day (Monday) I leave for Massachusetts. The time I have spent in Killingly has been full of interest. The sayings and doings of former years have been pleasantly recalled, and I have every-where met a most cordial reception. My emotions, on visiting again these scenes of my early life, after an absence of forty-two years, have been of the most thrilling character. The

kindness of old neighbors and friends almost overwhelms me.

"Every rock, the hills, valleys and streams, many of the stone walls and enclosures serve to call up recollections without number, of youthful pastimes and pleasures, shared by dear departed friends. The scenes are all familiar, excepting the new improvements, and these have only heightened my delight. I have nowhere seen such important changes, I may almost say creations, as here in Killingly. From being one of the least towns in Connecticut, in now ranks in wealth, handsome buildings, and in moral and intellectual excellence, with the best."

The next week was spent in Massachusetts, where he found "the scenes all new, as much so as if in a foreign clime." Of his visit to Hamilton, where his father had filled the pulpit for more than half a century, he writes:

"I was in my father's house; it is much altered; and his beautiful garden is all destroyed. We went into his church, and from thence to the quiet grave-yard, where the mortal frames of my dear parents are mouldering in the dust. The stones which mark their graves, erected by the people of his charge, bear these inscriptions:

"'Sacred to the memory of Mrs. Mary Cutler, consort of the Rev. Dr. M. Cutler, who deceased November 3, 1815, in the 73d year of her age.

"'Blessed are the dead who die in the Lord.'

"'Rev. Manasseh Cutler, LL.D. He died July 28, 1823, in the 82d year of his age. He was beloved for his domestic and social virtues. His talents were of an high order. He was eminent for his botanical, medical, political, and theological knowledge. He was a member of literary and scientific societies in both Europe and America. After a useful ministry in this place of 52 years, he expired with a firm and peaceful reliance on his Redeemer. They that trust in the Lord shall be as Mount Zion, which can not be removed, but abideth forever.'"

After a pleasant visit with friends in Massachusetts, he went to Philadelphia to attend the meeting of the Pres-

byterian General Assembly. His commission was as follows:

"The Presbytery of Athens being met in Barlow on the 14th of April, 1837, hereby appoint Ephraim Cutler, ruling elder in the congregation of Warren, to be a commissioner in behalf of this Presbytery to the next General Assembly of the Presbyterian Church in the United States of America, to meet in Philadelphia on the third Thursday of May, 1837, or wherever or whenever the said Assembly may happen to meet, to consult, vote, and determine on all things that may come before that body, according to the principles and constitution of this Church and the word of God. And of his diligence herein he is to render an account on his return.

"Signed by order of Presbytery,

"L. G. BINGHAM, *Moderator.*

"H. R. HOWE, *Clerk.*"

This memorable assembly met at Philadelphia, Thursday, May 18, 1837. Judge Cutler writes:

"The opening sermon was preached by Rev. Dr. Witherspoon, from 1st Cor., 1st chap., 10th and 11th verses. The assembly was organized by electing Rev. David Elliot, D.D., Moderator. The officers are all Old School. The doings and debates of the assembly will be reported by Mr. Stansbury, said to be one of the best reporters in the United States.

"I am boarding at Mrs. Travelli's. Her son is a missionary in a foreign field. I have a very pleasant room on the second floor. There are also boarding here, Rev. Enoch Kingsbury and Rev. Frederick W. Graves, of the Illinois Synod; the Rev. Mr. Thurston, from the General Conference of Maine; Rev. Alanson Saunders and Elder Harmon Kingsbury, of the Western Reserve Synod; Rev. Benjamin Dolbear, of the Synod of Ohio; Rev. Calvin Cutler, from Windham, N. H., of the Synod of Albany; and Elder Robert Aickman, of the Second Presbytery, New York City. They are all pleasant gentlemen."

The notes he kept are incomplete, yet they indicate his deep interest in the subjects discussed and decisions made.

"May 26th.—I have listened to-day to one of the most argumentative speeches from Dr. Beman I have ever heard; full of well turned sarcasm, yet firm and dignified; and to one of the kindest from Dr. McAuley; also to one very conclusive in its reasoning from Dr. Peters. Mr. Jessup and Mr. Ambrose White have both spoken in the best manner on the same subject, which is a set of resolutions entirely revolutionary in their character, and directly violating the principles of the Presbyterian Church, as well as those of civil and religious liberty, calculated to cast undeserved odium on a portion of the church, and as arbitrary as any measures lately adopted by the Pope of Rome.

"May —, 1837.—I can not record in detail the proceedings of the assembly, but many things have been done recklessly, and by an exercise of power clearly unconstitutional. I heard Mr. McDowell say, 'that what the assembly have already done would produce more evil in Philadelphia than could be undone by all the preaching and praying of all the ministers for a year.' This with tears in his eyes. They have annulled the agreement, made in 1801, at the instance of the general assembly, with the Connecticut association; thus breaking a solemn league and covenant, and invalidating the rights of a large part of the church. This is a dereliction of moral principle, such as is not often, I hope, to be found even in political diplomacy. They have, accordingly, cut off the Synod of the Western Reserve, and turned them out of the assembly; and it was said the most of New York would meet the same fate to-morrow. Mr. Breckenridge has denounced the Home Missionary Society, and called on the assembly to pass resolutions disapproving of it. This society occupies a field in our part of the country, where, through the instrumentality of its missionaries, large numbers have been gathered into the church who, by their walk and conversation, are consistent Christians, and whom I humbly hope to meet in a happy immortality.

Multitudes in the destitute regions of the West would, probably, only through these faithful laborers, have heard the word of life preached, or have obtained a saving knowledge of the truth.

"June 2d.—The Old School have in the Assembly a majority of six in about two hundred and fifty votes. Last evening upward of one hundred of the minority met, and after being impressively addressed by Dr. Beman, Mr. Jessup, and others, solemnly agreed not to separate until the end of the Assembly, and not until ulterior measures shall, if possible, be agreed upon.

"June 7th.—The minority have agreed on all future operations, as far as foreseen. My own affairs force themselves upon me and divide my attention, but I endeavor to keep under every feeling that would unfit me to act with a spirit of Christian kindness and forbearance, and at the same time, with a sacred regard to my obligations as a representative of our portion of the Church of Christ. I have been appointed on a committee with Dr. Beman and Dr. Peters on the American Home Missionary Society, and am to prepare and send to Dr. Peters a history of the work of the society in Ohio."

This meeting of the General Assembly was one of the most important and exciting that ever occurred in the history of the Presbyterian Church in the United States of America. The heated discussions on subjects of deep and general interest ended in a disruption of the church, and that generation passed away before these dissensions were healed, and the reunited church moved forward in the great work of evangelizing the world.

In the autumn of 1839 Judge Cutler was appointed a delegate to represent the Sixth Congressional District of Ohio, at the National Whig Convention, to be held in Harrisburg, Pennsylvania, on the first Wednesday of December, 1839, for the purpose of nominating a candidate for the Presidency of the United States.

He left home for Harrisburg on the 26th of November; the weather was unusually cold for the season of the year. On the steamboat in which he took passage he found Mr.

Jackson, of Parkersburg, Virginia. The boat beat its way through the ice drifting in the Ohio, and arrived the next day at Wheeling, and he met there Mr. Ira Belknap, of Zanesville, and Judge Jacob Burnet, of Cincinnati, on their way to Harrisburg, with whom he proceeded to Pittsburg. Here they were joined by several other delegates to the Convention. He mentions in his notes: Mr. Leach, Mr. Gray, of Pennsylvania, Dr. Bronson, of Ohio, Mr. Clark and Mr. Huntington, of Indiana, "both pleasant gentlemen;" also Mr. Bates and Mr. Drake, of Michigan, "very agreeable and sound men." They left Pittsburg on the morning of November 29, to go by stage to Harrisburg, where they arrived early on the first day of December, after a cold and fatiguing journey, in which they were kept on the road all the previous night, and were then taken to a very unsatisfactory hotel.

"December 2d, Monday.—Paid our bill at the hotel, and went to Camp's, where we should have gone at first. This is a good house, with every thing right. General Murphy and Colonel Pendleton called upon us at our quarters. Was introduced to Governor Shultz, a fine old Dutch gentleman. In the afternoon we held a meeting for consultation, at which there were present nine delegates from Ohio, four from Indiana, and two from Michigan. We had a free conversation, each delegate gave a report of prospects in his own district. The prevailing opinion was that Harrison has the preference. Judge Burnet spoke as I have heard him in olden time. It was a candid, powerful, and effective speech.

"December 3d, Tuesday.—Governor Barbour and other delegates from Virginia arrived to-day; also those from Kentucky, among whom was Governor Metcalf. I had some sharp-shooting with a Kentucky man. Was introduced by Judge Burnet to General Van Rensselaer, a dignified man, some sixty-five years old. He converses with much ease. Had conversation with several other New York delegates. Opinions appear to be settling on Harrison, though some New York men favor Scott. Mr. Williamson, of Huntingdon, Pennsylvania, and Mr. Lawrence,

of Washington, are both warm friends of General Harrison. It is said that Williamson is the man who first started Harrison for the Presidency. He and a few others put his name up in 1832, and it took like wild-fire in Pennsylvania.

"December 4th, Wednesday.—The convention met, Mr. Mason, of Massachusetts, in the chair, Mr. Penrose and ———, clerks. The roll was called, and upwards of two hundred answered to their names. We assembled in a place which was consecrated to the worship of the Most High God, and Colonel John Johnston, of Ohio, moved that our deliberations be opened with prayer, a motion which I was happy to second. Every one seemed to feel that we needed to look upward for wisdom and guidance, and the most solemn attention was paid to the service by all present.

"A committee was appointed to select and recommend permanent officers. The convention then adjourned, with an understanding that the delegation from each state should have meetings for the purpose of collecting information from their members in order to ascertain the most popular candidate in each congressional district, and condense the facts thus obtained for use in the convention. The Ohio delegation met at 4 o'clock P. M. in Judge Burnet's room. We came together with a determined resolution not to insist upon our own personal preferences, but to find out who could secure the electoral vote of the state, and compare the probable chances of this candidate in other states.

"The seventeen members* of our delegation were unanimous in opinion, that General Harrison was the only candi-

* The Ohio delegates who attended the Whig Convention at Harrisburg, Pa., December, 1839, were: Jacob Burnet, of Hamilton County, and Benjamin Bently, of Wayne, delegates at large. Those who represented the congressional districts were: Nathaniel G. Pendleton, of Hamilton County; Cyrus Falconer, of Butler; John Johnston, of Butler; William A. Rogers, of Clarke; Aquilla Tolland, of Madison; William S. Murphy, of Knox; John M. Creed, of Fairfield; Ira Belknap, of Muskingum; Ephraim Cutler, of Washington; Benjamin S. Cowen, of Belmont; Charles F. Sherman, of Richland; Cyrus Prentiss, of Portage; Holland Green, of Columbiana; John S. Lacy, of Harrison; D. F. Bronson, of Trumbull.

date that could carry Ohio, and yet were ready to yield to the opinion of the majority of the convention, fairly expressed.

"December 5th, Thursday.—The convention, when permanently organized, was presided over by the venerable Governor Barbour, of Virginia, supported by men who have been governors of states, or have held other eminent positions. The convention presented a most interesting group; composed of about 250 members, representing twenty-three, out of the twenty-six states in the Union. They were a dignified, imposing, and remarkable body of men, distinguished for intelligence, public services, and patriotism; many of them, with heads whitened by age, had, regardless of their own comfort, defied the inclemency of the season, and were here at a sacrifice of time and convenience, with no other interest to serve but the good of the public, and of posterity.

"The same spirit of conciliation which was manifested by our delegation, seemed to pervade the delegations from other states. It appeared that Pennsylvania and Indiana were placed in the same position as ourselves—every thing to hope if General Harrison is the nominee; every thing to dread, if he is not. We found Massachusetts, Vermont and Connecticut were with us, and probably the whole of the Eastern States. The South used all their influence for Clay, and New York was for Gen. Scott.

"December 6th, Friday.—On the third day of the convention a per capita vote would probably have resulted, Clay 102; Harrison 91, and Scott 61. After five ballotings by states, William Henry Harrison, of Ohio, by a vote of 148 received the nomination for the office of President of the United States. This was a large majority of the electoral votes of the states represented here, and also a majority of the entire electoral vote of the Union.

"Scott had earnest advocates, and Clay many warm and devoted friends, and yet all the deliberations were conducted with the utmost courtesy and good feeling, and an evident desire to act for the best interests of the people. This was manifested when Hon. Reverdy Johnson, of Maryland, rose,

and moved that the nomination be made unanimous. Governor Metcalf, Mr. Combs, Mr. Preston, and others from Kentucky, expressed their perfect acquiescence in the decision of the convention, and they, with many other gentlemen from the different states represented, made eloquent and patriotic speeches, pledging themselves to use their best efforts, in their several states, to secure the election of Gen. Harrison.

“Governor Barbour was suggested as a suitable candidate for the Vice-Presidency, but he positively declined, and urged the nomination of Governor John Tyler, of Virginia, which was accordingly made.”

This convention was followed by one of the most remarkable political campaigns our country has ever witnessed. Judge Cutler writes, a few months later, to a friend * who was with him at Harrisburg: “I can not refrain from congratulating you on the result of our labors in the convention. One thing of vast importance is accomplished, the people are thoroughly aroused from that state of apathy and despondency, bordering upon despair, which everywhere prevailed when we left our homes to attend the convention. But from the time I left Harrisburg until the present hour, every man I have met seems inspired with hope and confidence that our country will be redeemed from its present misrule. The young men are beginning to inquire not only what has been done, but what they have a right to do. I have been surprised, and greatly pleased at the able manner in which many of them discuss the first principles of our government, and the duties of its citizens.

“It requires something powerful to arouse the people of Washington county. They are intelligent, and reflect much and deeply, and are far from coming to hasty conclusions, but when convinced, they are not lukewarm in action, nor wanting in energy and perseverance. The great deep of public feeling is broken up, and nothing can arrest the course opinion has taken but omnipotent power. It is an uprising of the whole people, and confined to no

* Col. John Johnston.

locality. Every log cabin in the land, and every mansion, feels the impulse, and the demand for reform in the administration of the government is universal."

The strength of the movement was first manifested by a mass meeting at Columbus, Ohio, held on the 22d of February, 1840, where many thousands from all parts of the state assembled, and the greatest enthusiasm prevailed.

In June a convention was held at Chester, Meigs county, to nominate a Congressman for the Sixth District, to which, not only the appointed delegates, but the people themselves came up. This meeting, largely attended from adjoining counties, was addressed by Hon. S. F. Vinton, Judge Cutler, and others. The Hon. Calvary Morris was renominated for Congress by acclamation. Many earnest and patriotic men came "straight out" from the Democratic ranks and joined the Whigs.

Although past three score years and ten, Judge Cutler attended and addressed many public meetings in his own county and in Athens, vying with younger men in interest and zeal.

Mass meetings, pole-raising, and processions were the order of the day. Flags with quaint devices and appropriate mottoes, log-cabins, and canoes, all played their part, and every-where there was a good-natured but noisy excitement. Marietta supplied the versatile and popular song-writer of the campaign (John Greiner), and his songs were greeted with as loud huzzas as the eloquent and telling speeches of Tom Corwin himself. Those scenes are still recalled by men who participated in them with a touch of the old enthusiasm, although nearly half a century has passed since they occurred.

The spirit of the times is shown in the following extracts from letters written to Judge Cutler by Hon. Calvary Morris from Washington:

"*February 1, 1840.* From every quarter we have the most cheering intelligence on the subject of the approaching contest. I had a long conversation the other day with Mr. Talmage, of New York, who, you know, is fresh from the people of his state. He says New York will give a

larger majority for Harrison than she has ever given for any candidate for the presidency; and that, in four months from this time, it will be apparent to all parties that Gen. Harrison will be elected more triumphantly than Gen. Jackson was in 1828. Hon. Daniel Webster says he considers the matter as settled, that the tide of public feeling is so rapidly flowing in the right channel that it can not be checked by all the offices and money which the administration have to bestow.

"The Kentucky delegation say that Harrison is going to be a stronger man in Kentucky than they could possibly have made Mr. Clay under any circumstances.

"The Whig members from Tennessee seemed almost to sink in despair when they first heard of Harrison's nomination, but now they say with one accord, that the developments, in their state, of public sentiment, are such as to satisfy them that he is the very man, and that they can carry Tennessee for him triumphantly.

"Pennsylvania is no longer doubted. Ogle, of our House, from that state, who is a cool, calculating, shrewd politician, says that from the enthusiasm and perfect hurrah which is sweeping over his state, he shall not be surprised if she gives forty thousand majority for Harrison. Within the last few days Mr. Van Buren and his *watchman* have become greatly alarmed for Virginia, and it is said they have great reason to feel so. But Ohio is the pivot upon which their destiny is to turn; there the mighty contest is to take place, and there you will find them concentrating all their forces."

On February 28th Mr. Morris writes: "The news from the State Convention of Ohio is most cheering to our friends here from all parts of the country. I have just had a conversation with Wise, who returned this morning from the great Richmond meeting. I asked him what Virginia would do in the coming contest. Do? said he. She will go Harrison and Tyler with a devil of a rush; no mistake in Virginia."

General Harrison had been a candidate in 1836, opposed to Mr. Van Buren. At that time the Whigs, for want of

organization and concert of action, were overwhelmingly defeated, Harrison receiving the vote of only seven states. The unexpected and gratifying unanimity in the action of the Harrisburg Convention, put new life into the party. In union there is strength—to this, and the grave errors of the Democratic policy, the result of the presidential election of 1840 must be attributed. The Whigs carried nineteen states, the Democrats seven. Of the 294 votes of the electoral college, 234 were cast for Harrison and 60 for Van Buren. The Whigs were jubilant—a short-lived joy, as the lamented death of their favorite took place just one month after his inauguration as President. This political campaign was the last in which Judge Cutler actively engaged. It is not unusual for persons of advanced years to dwell much upon the past. He had a wide and accurate knowledge of the men and events of his own times. He was fond of statistics, and of history and its teachings. It was his habit to make notes of important matters at the time when they occurred. He was often consulted on doubtful points of our early history, on which he was considered good authority. More than half a century had passed since the pioneer band had landed at Marietta, April 7, 1788; and yet an authentic history of Ohio was unwritten.

Most of the first settlers were laid at rest in the rural graveyards, and with them had perished the memory of their adventures, their trials and their heroism. To gather the materials for correct history from the few who still survived, began to arouse the attention of the more intelligent in the community, prominent among whom was Dr. Samuel Prescott Hildreth. He addressed to Judge Cutler, March 31, 1841, the following inquiries:

“When I had the pleasure of seeing you a few days since at Colonel Stone’s, I mentioned my intention of preparing a history of the county. It will give me much pleasure to receive a statement of many of the civil events which fell under your notice from the year 1795 to 1802, or earlier, if in your power, especially in relation to the

courts and judicial proceedings. Who were the first Supreme Judges? Who were the Justices of the Quarter Sessions? How were the courts conducted? Who were the sheriffs? How extensive was the county? How often did the courts sit during the Indian War? Who were the attorneys (with a brief biography of each one, as far as you can recollect)? Where did the first court sit?

"Events of the Indian War, any incidents in relation thereto, will be valuable. What were the facts in relation to the proposal of some of the first settlers to evacuate the country on account of the duration of the war? Facts in relation to the first proposition of making a settlement in Ohio? Who originated it, and who were the prime movers in bringing it to pass? Biographical notices of the first settlers at Marietta, as to where born, place of residence, business, etc., especially of B. I. Gilman and his father, R. J. Meigs, P. Fearing, E. Backus, M. Backus, W. Sargent, Eben Sproat, C. Green, Joseph Lincoln, etc.

"Any facts in relation to the climate, as to the change in the seasons since the first settlement, will be valuable. Diseases amongst domestic animals.

"When did Blennerhasset come to Marietta, and any facts in relation to him.

"If you will have the kindness to write me out a few sheets of your reminiscences, I shall be much obliged to you. I should also be pleased to see the Journal of your father, if you would trust it with me for a few days."

Manuscripts which have been used and returned by Dr. Hildreth show that in response to his request, many valuable facts were communicated for "The Pioneer History," and much material furnished, from time to time, for several of the biographies in "The Lives of the Early Settlers of Ohio," prepared by Dr. Hildreth, and published under the auspices of the Ohio Historical Society.

In 1841 the Marietta Historical Association was formed by gentlemen interested in preserving manuscripts, memoirs, and facts illustrative of the early history of the place. It was organized by electing the following officers: president, Ephraim Cutler; vice-president, Arius Nye; cor-

responding secretary, Caleb Emerson; recording secretary, Arius S. Nye; curators, William R. Putnam, John Mills, A. T. Nye.

November 24, 1841, the president and corresponding secretary of the Association sent forth a circular in these words: "It is not a little singular that the known and acknowledged importance of history has heretofore induced so little effort for its accuracy. A classification of history as a branch of fictitious literature would, alas for it, be not altogether false. We have recent indications of better things to come. The formation of historical societies, local as well as general, is very encouraging. The Marietta Historical Association aims to establish a library, cabinet, and repository worthy of the eldest settlement in Ohio. The members hope their zeal may prove not incommensurate with their aims. But the efficiency of the institution must depend much upon the aid of others. That aid is invoked in the furnishing of books, pamphlets, newspapers, memoirs, and manuscripts illustrative of Western history, particularly of Ohio, and especially of early settlements. The donation of books is asked as a contribution for public utility. Any book, publication, record, or manuscript will be acceptable. The association hopes to do its share in the preparation for Western History, and respectfully suggests the formation every-where of like associations, holding friendly correspondence, and rendering mutual aid."

Interesting replies to this circular were received, some of which are found among Judge Cutler's papers, while others were transferred to Dr. Hildreth, or remained in the hands of Mr. Emerson. The attention of persons who were in possession of materials for local history was turned to the necessity of putting them in form to be preserved for future use. Many valuable papers were prepared by Mr. Emerson, Mr. A. T. Nye, Colonel Joseph Barker, and others, which were printed in the newspapers and magazines of the day; and Dr. Hildreth's two invaluable historical volumes were given to the public during that decade.

The editor of the Marietta Intelligencer addressed to Judge Cutler a letter, dated January 25, 1842 :

"I am anxious to obtain for publication important facts connected with the early history and settlement of this place and vicinity; and also sketches of the lives and characters of the early settlers. Every thing of this kind is useful and interesting, and I trust that you, and the few other venerable fathers yet living, will be willing to contribute from your store-houses of knowledge such facts as may be of benefit to the public. Incidents in the lives of the early settlers, and anecdotes respecting them, will be peculiarly interesting, and unless obtained and placed upon record very soon, will be lost forever. . . . I trust you will furnish me some articles for publication, and thus serve the public, and also, with great respect, your friend and servant,

BEMAN GATES."

Some articles of the character designated were furnished for the Intelligencer, then recently established, whose accomplished editor spared no effort to make his paper a success.

The following letter, which is without date, was probably received about the same time as the foregoing :

"The Historical and Philosophical Society of Ohio, at their last annual meeting: *Resolved*, That Ephraim Cutler be and hereby is requested to present to the next annual meeting of this society a paper containing such important historical facts regarding the formation of the state government, the settlement of this state, and such interesting incidents thereof as his long residence, intimate acquaintance and observation enable him to communicate."

"Dear sir, I hope that you will comply with the request of the society, and forward to me, if you can not be present, any paper you prepare, and it shall be laid before the society in your name.

" Respectfully,

J. SULLIVANT,

"Corresponding Secretary."

It is not known that any paper was sent to Mr. Sullivant, but it is believed that, at this time, he reviewed and arranged his notes on the territorial legislature and on the convention, as they are presented in this volume. His ideas of the proper function of an historical society may be gathered from a short address to the Marietta Historical Association, found among his papers :

“ When a body of men associate together for any purpose, curiosity is awakened and inquiries are made with a view to ascertain the object intended by such association. That those inquiries should be gratified in the fullest extent by such an association as ours professes to be, is not only reasonable, but absolutely necessary to effect the purposes of our uniting together. The materials of history are for a time merely oral or traditionary ; although some portions assume a more substantial form by means of documents, written immediately, and preserved in the public archives ; yet very much of incident, eventually important to be known, and which affects the destiny of thousands, remains for a long time as mere tradition ; and very much that would enable future generations to understand the motives, which, at the time, induced the prime movers and actors to act as they did in bringing about great events, is forever lost.

“ There is another view that may, with propriety, be taken of this subject. It is, that a duty rests somewhere, to preserve many facts too often entirely neglected, which, if preserved, and truly, without embellishment, transmitted to posterity, would demonstrate to them as clearly and vividly, as the sun ever shone, that there is an infinite wisdom, an unseen hand, which, for good or evil, directs and governs all human affairs. But this, I humbly think, is a theme suited to the sacred desk ; and I lament that it is there so much overlooked or forgotten. Moses most emphatically commanded God’s chosen people, after rehearsing the wonders they had witnessed, to teach them to their children as they were sitting in the house, or walking by the way, at their lying down and rising up ; and to write them upon their door posts and their gates. And is it a

matter to be forgotten that, some two hundred years ago, a mere handful of persecuted men should be driven from their native land, and at the commencement of winter be obliged to land upon a rock in a sterile region, on a forbidding coast; yes, and should be preserved from dangers and increased in numbers so as to be able twice, before two hundred years had elapsed, to contend with one of the mightiest nations of the earth, most successfully? And is it a matter to be passed by and forgotten that this vast western valley in which we live, was then, as to its extent and resources, a country perfectly unknown to the very nations whose sons now inhabit it by millions?

"It is, then, the object of this association to make an effort to preserve what can be collected of all authentic records or well established traditions, which may when collected enable some one, who has talents and leisure, to give future generations a true, philosophical, and authentic history of our great state, and also of the entire West, as far as our means shall enable us to effect so noble an object."

William P. Cutler, in a letter to his father, dated at Columbus, January 15, 1845, writes: "The Hon. E. Whittlesey has been here some time, and inquires very kindly after you. He says, the State Historical Society are very desirous that you should prepare an article in regard to the formation of the constitution. He urged me very much to press it upon your attention; saying that he considered that you were the only man who could perform the duty properly. Mr. Stoddard, from Dayton, also joined with him in the request. Mr. Stoddard stated that he was a member with you, when you made the first effort for common schools."

A few more letters received by Judge Cutler during the latter years of his life, are believed to be of sufficient historical interest to justify their insertion here.

"PITTSBURG, *December 18th, 1842.*

"C. EMERSON AND E. CUTLER, ESQS.:

"*Dear Sirs:*—I have received your joint favor some time ago, but having been much engaged in preparing for my

long absence in the legislature and in other business, I have from day to day postponed writing to you and acknowledging the receipt of your letter. My father occupied a somewhat prominent position at this place from 1791 to 1802, and I have no doubt that Mr. Cutler must have become acquainted with him as he passed through this place. His belonging to the same good old Federal school to which Mr. Cutler belonged would no doubt tend to draw them together.

"I believe I should have shortly undertaken a history of the region around the head of the Ohio, had I not been informed, some two months back, that a Dr. Patterson, of this city, had been engaged for some time in collecting materials for such a publication. I have since become acquainted with him, and finding that he had made considerable progress in the work, I concluded rather to aid him by giving him any information in my power, than to undertake a similar work. He has issued proposals for his publication, and will issue it during the ensuing spring. He has been very industrious in collecting materials, but my acquaintance with him is not sufficiently intimate to enable me to form a decided opinion as to his fitness for the work. My expectation, however, is that the work will be valuable for the amount of matter collected. Think it may be defective in style and arrangement.

"I have never seen Pownal's work, and Proud's History is very rarely to be seen. I have never seen but two or three copies.

"As to Mr. Emerson's suggestions about the possible usefulness of my services in the legislature, I confess I can see no light ahead—nothing to cheer me for my long absence from my own sweet home. The position of our state affairs is difficult in the extreme, and the prospect before us any thing but cheering. Even were our legislative bodies as pure and as firm and fearless as ever acted together, they might be perplexed, but with councils so divided as ours, with an overwhelming majority of demagogues, not competent even to discover the correct path, and even when they see it, too careful of their despicable

popularity to pursue honestly that course which even their stolid judgments indicate darkly, there is scarcely ground left for hope.

"I go there with a resolute determination to pursue that course which, upon calm and mature reflection, I may judge to be most conducive to the honor and interests of the state, without calculating its influence on my own political standing.

"I am, gentlemen, very respectfully, your obt. servt,
"NEVILLE B. CRAIG."

"PIQUA, OHIO, *June 19, 1842.*

"*Dear Sir* :—For twelve months now last past, a considerable portion of my time has been spent among the Wyandott Indians of Ohio, on Sandusky river, and have only recently returned to my home and farm. I found two letters addressed to me from the Marietta Historical Association, asking for information in relation to the Indians who once inhabited this country.

"In March, 1841, I was appointed by my old and lamented friend, the late President Harrison, to make an attempt at purchasing the lands of the Wyandotts in the states of Ohio and in Michigan, and in April of the same year I reached Upper Sandusky, and commenced negotiations. After encountering many difficulties, probably more than has ever occurred in any similar undertaking, for the Indians loved the land of their birth, the beautiful plains of Sandusky, I succeeded in executing a treaty with the chiefs and councillors, by which they ceded, on the 17th of March, 1842, all their lands in Michigan and Ohio to the United States, without any reserve whatever, and stipulating for the removal of the nation to the south-west of Missouri river in 1843. The amount of the land ceded is about one hundred and twenty thousand acres (120,000), lying on both sides of the Sandusky river in Ohio, and on the bank of the river Huron in Michigan, both tracts being surrounded by compact settlements of American farmers.

"The number of the Wyandotts in Ohio and Michigan,

including a small band, not quite an hundred souls, on the English side of the Detroit Strait, and who are all to emigrate, will amount to about eight hundred persons of all ages and sexes.

“The Indian title to the last acre owned by the natives within the limits of Ohio has been extinguished by the late treaty, and the Wyandotts are the last of the nations who are to leave us. Twelve months hence the red man will have taken his farewell forever of the country which was so lately all his own. It is a little over forty-two years since I first went among the Wyandotts; then they numbered over two thousand, with little or no mixture of blood; now they are reduced to eight hundred, and full one-half are half-breeds and quadroons, and some entirely white. Some white men have wives of mixed blood, and some quadroons have white women for wives.

“The Wyandotts have had the benefit of Christian instruction for near a century, first under the Catholics, afterward by the Presbyterians; and for the last twenty years the Methodists have had the exclusive management of their school and mission. The whole population at Upper Sandusky is 650, of all ages and sexes; from 100 to 150 attend meeting on the Sabbath, and about 50 are church members. Education and religion have declined. My former care of these people ceased in April, 1829, at which time the school and mission was altogether prosperous and encouraging. Four hundred dollars per annum is appropriated by the War Department toward the support of the Wyandott school. The expense of the mission is provided by the Methodist Church, and is fully sustained. The present missionary, the Rev. Mr. Wheeler, is a very worthy, competent man, sustains himself well, attending exclusively to his sacred duties. In the treaty which I concluded with these people, on the 17th of March, 1842, the U. S. engages to pay \$500 per annum for the perpetual support of a school for the Wyandott Nation, so soon as they are sufficiently settled at their new home south-west of the Missouri. The first payment for this purpose to be made in three years from the date of the treaty. The

United States also engaged, as they have hitherto done, to support a blacksmith and an assistant blacksmith for them, and to furnish houses for the blacksmith and assistant; with tools, iron, steel, and coals, and all things needful for such an establishment. A sub-agent and interpreter is stipulated for, in order to maintain intercourse with the government and citizens of the United States.

“The sudden and unlooked for death of President Harrison was felt by the Indians as a great calamity. They had promised themselves much from his administration. They knew him long and advantageously, their confidence in his justice and humanity was unbounded. Poor fellows, his death fell upon them like the thunder which prostrates the loftiest oak. If the Indians had the privilege of voting in the last election for President, not one of them could be found to black-ball their old and faithful friend, Harrison.

“I was with Gen. Wayne’s army on the Ohio, as early as the beginning of 1793; and in my seventeenth year, in 1798, was a clerk in the public departments of the general government; and served in the Indian department under Harrison, from 1800 down to the close of the last war. The history of the natives under this government has been familiar to my mind; the result of more than forty years experience in managing them, is that their race must perish under the blighting effects of our policy. Congress must give them a country which no circumstances can alienate, and a government suited to their condition; and then we shall begin to have done what we ought to have done to this unhappy and unfortunate race. Otherwise we shall have a fearful account, as a nation, to render to God, and to impartial history.

“The cares of my farm and my children, deprived by death of their honored and lamented mother, two years ago, leaves me little leisure. I may at a more convenient time send you some further facts about the Indians.

“Accept of my best wishes for the prosperity and usefulness of the Society over which you preside; and for yourself individually, my honored and respected colleague at

Harrisburg, in December, 1839, my sincere esteem and affection. Farewell,

JOHN JOHNSTON.*

"EPHRAIM CUTLER, ESQ."

"CIRCLEVILLE, *January 9, 1843.*

"*My Dear Sir:*—The present generation seems to have forgotten the services of those who laid the foundation on which our good institutions are built. They say we have had our day. It was a day of trial, labor and difficulty; of self-devotion and patriotism. That age has passed, and the present generation makes sad work of it, under the influence of party spirit, party legislation, madness and folly.

"Youth, rashness and madness tread where wisdom and patriotism once presided. Unless the present generation in Ohio, elect better men to office and mind their ways, in many respects, ruin must ensue. Ten millions of our public debt has been created for objects of little or no value to the people. We can not pay the interest much longer, or if we do, thousands of farms must be sold to pay the taxes. A few reckless, unprincipled men, rule the state with a rod of iron. The wisdom of Ohio is driven off the stage, which is occupied by heedless, rash, giddy and impudent young men. This state of things has been introduced by unprincipled demagogues operating on an ignorant population, who have settled in the state of late years.

"Our territory is unsurpassed in fertility, our climate is delicious, our hills are shaken by no hidden fires, our plains have no bandits roving over them, to way lay and rob the

* The friendship between Col. Johnston and Judge Cutler which began at Harrisburg in 1839, was an enduring one. A short time before the death of the latter, a neighbor traveling on a steamboat met with Col. Johnston, who sent by him this note:

"Col. John Johnston, of Piqua, Ohio, one of the surviving pioneers of the North-west, in his 79th year, sends his affectionate regards, to his aged and venerable friend Judge Cutler, and prays that his last days may be as peaceful and happy, as the morning and noon of them has been honorable and useful to himself, and his country. On board the steamboat 'George Town,' Ohio river, June 16, 1853."

traveler as he journeys across them ; and yet through the wickedness of our rulers, we are indeed a miserable people.

"Let us hope for better times, worse we can not expect, unless we are doomed to destruction.

"With respect and esteem I am, dear sir, yours ever,

"CALEB ATWATER."

"HON. JUDGE CUTLER."

Mr. Atwater was the author of a History of Ohio. In a letter written in January, 1837, he thus refers to that work :

"I am now and have been long since engaged in preparing a History of Ohio. I wish to begin to print it about the first of May. I intend it to be a volume of about 400 pages. I have done you justice in that volume from the formation of the Constitution down to this time. There are some particulars I wish to know. *When and where* were you born? Your education? When did you emigrate? I wish to know the early history of Marietta, Belpre, etc. Any thing already in print might be forwarded to me."

Again, February, 1839, he writes: "You inquire about my history. The first edition was all sold, even every copy of it, within four weeks from the time it was bound. The second edition is out, but lying in a canal boat, frozen up forty miles below me. Sickness prevents my leaving home, or this edition would all be sold in a few weeks. Should my health be restored, with returning spring I hope to get out a third edition early, and carry it up the Ohio to Pittsburg and Harrisburg, where there is a demand for it. . . . During several years my History of Ohio has occupied all my time. It is stereotyped, and can be published after my death. I feel grateful for the patronage which it has received from the reading public.*

*Caleb Atwater; born in North Adams, Massachusetts, December 25, 1778. Graduated at Williams College, 1804; practiced law; came to Ohio, 1811; member of the legislature, postmaster at Circleville, and Indian Commissioner under Jackson. Author of a "History of Ohio," "Western Antiquities," and other works. Died at Circleville, Ohio, March 13, 1867.

“DETROIT, *December 6, 1843.*

“EPHRAIM CUTLER, Esq.:

“*Dear Sir:*—I have received your letter, and thank you for this mark of your recollection. It recalls many an hour we have passed pleasantly together, and more than one manifestation of your friendship when I was a young man, needing the good will of others to aid my own exertions. I trust time and circumstances have dealt leniently with you. I should be happy to meet and talk with you about old times, but am afraid we are too far apart for that. Neither of us can move about as we once could.

“With respect to the circular, I am happy to see this evidence of zeal to collect and record reminiscences of the early settlement. I hope the effort will not fail. I should be happy to assist, and perhaps I will. It is not much, however, that I know, and I am every day becoming more indolent and unfit for exertion. It is difficult to screw my industry to the sticking point.

“With much regard, I am, dear sir,

“Respectfully yours,

“LEW. CASS.”*

* Lewis Cass, son of Major Jonathan Cass, was born at Exeter, N. H., October 9, 1782. He came to Marietta, Ohio, with his father's family in 1800, where he studied law and was admitted to the bar in 1802; after which he removed to Zanesville, Ohio. He married, in 1806, Elizabeth Spencer, daughter of Dr. Joseph Spencer, of Wood county, Virginia. He was a Brigadier-General in the war of 1812, was appointed governor of Michigan Territory in 1813, and held that office eighteen years, when he was appointed, in 1831, Secretary of War by President Jackson. In 1836 he was sent as Minister to France, which position he resigned in 1842. He was the Democratic candidate for President against General Taylor, in 1848, after which he was twice elected United States Senator from Michigan. In 1857 he was appointed Secretary of State by President Buchanan, but resigned his office in 1860. He was a man of great ability as a scholar, jurist, and statesman. He died in Detroit, Michigan, January 17, 1866.

"CONSTITUTION,* November 10, 1846.

"A. G. BROWN, ESQ.:

"*Dear Sir*—Dr. Hildreth, who is preparing a work for the press, a large portion of which will be composed of biographical sketches of the services, characters, &c., of the early settlers of the Ohio Company lands. At his request I have furnished him with that of Col. R. Oliver, Capt. Wm. Gray, Col. Cushing, and several others. Last week he pressed upon me with earnestness to prepare one of your excellent and honored father, which I consented to attempt, if I could obtain some information from you and your brother.

"Your father's history belongs to the whole country, and if facts are collected and well told, it will add an interest to the interesting work which the doctor has on hand. He has a very large portion of it now ready for the press, and if this is added it must be immediately prepared.

"I have commenced one (article), including Judge and Silas Bingham, with Dr. Perkins,† and propose to give a sketch of the history of Ames, its library, &c.

* "The first post-office in Warren township was established January 31, 1832, and named Constitution, in honor of the first postmaster, Judge Ephraim Cutler, who was one of the most prominent members and latest survivors of the convention that formed the first constitution of Ohio. Judge Cutler was postmaster about twenty years." (History of Washington County, p. 641.)

† In an article prepared by Judge Cutler for Dr. Hildreth's "Early Settlers of Ohio," page 412, is the following notice of the Bingham and Dr. Eliphaz Perkins, of Athens:

"The Bingham were natives of Litchfield county, Connecticut, and although quite young, were volunteers at the capture of Ticonderoga by Ethan Allen, in 1775. Capt. Silas Bingham was with the army which invaded Canada, and both served most of the time during the Revolutionary War. Judge Alvin Bingham was a substantial, clear-headed man, sober and dignified in his manners, stern and uncompromising in his sense of right. Silas was full of anecdote and humor, social and kind in his feelings, a man of excellent sense, and a terror to evil doers. [He was a deputy sheriff.] The promptness with which these men acted in enforcing the laws, and in protecting the rights of the weak, had the effect, early, to rid the settlement of a large portion of the disorderly population; and Athens, many years ago, establish

"I remember to have seen a notice of your father's services from Gov. Brooks. Will you copy it for me? He was invited to act as aid to Gen. De Kalb; please give me as much of his services as a partisan officer as you can collect. Was he in the battle of Bunker Hill? Did he, with another brother, bring off from that battle his brother John? When did he enter the service? He was the first man which entered the German works so gallantly stormed by Brooks and Putnam's regiments on the 7th of October, 1777, which decided the fate of Burgoyne. Write as soon as possible. If any thing of the kind is done, there is no time to lose.

"Respectfully yours, as ever,

"EPHRAIM CUTLER."

Copy of a statement of his services in the Revolutionary War, made in or about the year 1818, by Capt. Benjamin Brown, in support of his application for a pension. (On record in the Court of Common Pleas of Athens county, Ohio):.

"In February, 1775, I joined in forming a regiment of

its character as an orderly and respectable community, embracing as much intelligence and refinement as any other town of equal size. For this happy result it was in no small degree indebted to Dr. Eliphaiz Perkins. Few men were better calculated to introduce a mild and refined state of manners. He was a native of Norwich, Connecticut; born in 1753, graduated at Yale College, and removed to Athens in 1800, when a disposition to trample on the laws prevailed. The services of a physician were greatly needed in the settlement, and his arrival was hailed with joy. By his attention to the sick, skill in his profession, and by his urbanity and kindness, he at once became popular. The influence thus acquired he exerted in the most salutary and unostentatious manner, while he frowned upon every breach of law and decorum. His own deportment was a bright and living example of purity and benevolence. He was truly a patron of learning. He did much to establish and sustain common schools in that region. He contributed liberally to the Ohio University, was early appointed a trustee, and for many years was treasurer of the institution. He died, much lamented, on the 29th of April, 1828, in the lively exercise of that Christian faith he had long professed. His descendants are numerous and highly respectable; seven of them have graduated at the Ohio University."

minute men in Hampshire county (Massachusetts), commanded by Colonel Barnard. The regiment marched to Concord, 21st of April, under Lieut.-Col. Williams, of Northfield. I served in the regiment as quartermaster. At Cambridge I took a lieutenant's commission in Captain Hugh Maxwell's company, in Colonel William Prescott's regiment, Massachusetts's line, in which I continued from May till the last of December. I continued in the same regiment during the year 1776, when I engaged as captain in Colonel Michael Jackson's regiment, and continued in the same till the latter part of 1779, when I resigned and returned home.

"I was in the party engaged in moving the stock from Noddle's Island, and burning the *Diana*, British packet, on Malden Ways, near Boston, in June, 1775. I was in the battle of Bunker Hill, 17th of June, 1775. I was in several engagements during the evacuation of New York Island in 1776. I was in the battle of White Plains [where his brother, Pearly Brown, was killed], and in December was present at the taking of Hackensack under General Parsons. In 1777 I commanded a detachment at the German Flats, and captured Walter Butler and his party. I was in the detachment sent to raise the siege of Fort Stanwix. I was in the battles of 19th September and 7th October, that preceded the capture of Burgoyne on the 17th. During 1778 and 1779 I was not in any important battle, but was not off duty during a single day during the three preceding campaigns."

[The position of aid to General De Kalb was offered to him at the time he (De Kalb) was ordered south to North Carolina, where he was killed at the battle of Guilford. He (Captain Brown) was the first man that entered the Hessian works stormed by Brooks and Putnam's regiments on the 7th of October, 1777, at Saratoga.]

"NEAR DRESDEN, O., *December 22d*, 1846.

"*Dear Sir*:—I received yours of the 10th of November, and regret that it is not in my power to give you but a very slight history of my father's life; as I have never spent six

months at home with him, since I was fourteen years old. My father (Captain Josiah Munro *) left home from Amherst, New Hampshire, with the first party of the Ohio Company, and left me with the family when I was about fourteen years old, and I came to Marietta, I think in 1796; but there was nothing doing at Marietta, and as my father had no use for me, I went to Cincinnati after a few days' stay at Marietta. Since that I have been employed during my father's lifetime, almost constantly at a distance from home.

"I have understood that there were three brothers by the name of Munro, my father's ancestors, together with several others, emigrated in company from Scotland at a very early date; and bought a large tract of land in the township of Lexington, Massachusetts, near Boston, and settled in company. I understood they were from the Highlands in Scotland. At the breaking out of the Revolution, my father was on a farm in Peterborough, New Hampshire. The battle of Lexington was fought on the common immediately before my grandfather Munro's door. My father left his farm, and joined the service of the colonies immediately after the battle of Lexington and continued during the war. I am not able to give the particulars of his services during the war. I have understood he was at the capture of Burgoyne and Cornwallis.

"After my father's death, Dr. True administered on his estate, and all his papers were given to the doctor. I know nothing of his commissions, but suppose they were among the papers given to Dr. True. I do not positively know in what in what regiment he served, but think it was commanded by a Colonel Cilly, but I may be mistaken in the

* There is in the Mound Cemetery at Marietta a monument bearing this inscription: "Captain Josiah Munro; born at Lexington, Massachusetts, February 12, 1745; died at Marietta, August, 1801. He was an officer in the Revolutionary army, and became the friend of Lafayette, who recognized his services in the war by the gift of a sword. He was one of the original Ohio Company, who landed at Marietta, April 7, 1788, and was appointed postmaster at Marietta, 1794, which office he held at the time of his death."

regiment. I think, if his papers could be had, by looking them over, his commissions might be found, and perhaps other useful information obtained.

"I am dear sir, very respectfully, yours,

"JOSEPH F. MUNRO."

"WEST UNION, August 18, 1847.

"JUDGE CUTLER.

"*Dear Sir* :—It is with sincere satisfaction that I acknowledge the receipt of your very friendly letter of the 10th inst. It affords me consolation when I reflect on the time we spent in our first acquaintance, in legislating (as we then supposed) for a small number of inhabitants, but in fact it was for millions. And when we reflect on the good our labors have produced in promoting the great ends of justice, and the good of the people generally, in promoting religion, education, and internal improvements; we have a right to infer that the most abandoned infidel must acknowledge that an overruling Providence governs the affairs of nations, as well as of individuals.

"I have for some time been impressed with a belief that the Lord has a controversy with our nation, and that for the sins of this nation he will scourge us sometime as a nation; the beginning of which, perhaps (God only knows), is the promotion of the present President of the United States, and the unrighteous war with Mexico. The numerous untimely deaths by the sword and pestilence is a proof that such a chastisement has commenced.

"I was eighty-two years of age on the 19th day of July last. I have been engaged for the last forty-three years as clerk for the Court of Common Pleas and Supreme Court. I have now retired from all public business, and am "seeking a better country out of sight," and hope to meet you, my friend, there.

"Most respectfully, I am your friend,

"JOSEPH DARLINTON." *

* Mr. Darlington was one of the last five survivors of the thirty-five members of the Ohio Constitutional Convention, 1802.

“MANCHESTER, O., May 20, 1847.

“TO JUDGE CUTLER:

“*Dear Sir*—From our brief acquaintance and the lapse of time since we met, you may think it extraordinary, and perhaps impertinent, that I should trouble you in this way. Well, my apology is this, there are but few of us left (only five I believe) of those who met on the first Monday of November, 1802, in the old stone court-house in Chillicothe, on the most important business ever transacted in our state. Well, we formed a constitution that has been much venerated, for which we ought to be thankful, if not proud. It has worn well, having existed now almost forty-five years, while in the same period some of our sister states have modeled and remodeled their constitutions. Under the protection of divine Providence we have prospered beyond the most sanguine expectation of any of us, I suppose. For myself, I should have been, at that time, cheered with the thought of the state becoming in a century what I now behold it.

“In looking over the Scioto Gazette, lately, I found the editor apologizing that in a previous number he had stated that there were but two of that convention living, but that was an error, as there were four, and named yourself and Messrs. Morrow, Reiley, and Darlinton. That paper went down to Portsmouth, by way of exchange (I suppose), and there the Clipper added my name, and that, like the rest, I was far advanced in years, being about eighty, which amount I numbered on the 2d of February last. But what was most pleasing to me in the case was, that he pronounced us all good Whigs. Well, as a state, we are progressing in improvements in husbandry, in the mechanic arts, and above all in education. It appears to be the object of all to enlighten the generation that is to follow us, as the only means, under an overruling Providence, to save our republic. As a state we are prosperous, but as a nation we are, in my view, very guilty. We are now engaged in a most unnatural, unnecessary, and disastrous war. How it will terminate is only known to Him who chastises one guilty nation by another equally guilty. As

to the actings and doings of government, and the distress of our fellow mortals on the other side of the water, your knowledge, perhaps, exceeds mine. . . . Wishing you health and comfort, and that your last days may be your best days, I am yours,

“Most respectfully,

“ISRAEL DONALSON.”

In a letter written August 1, 1848, Mr. Donalson says : “I think, at this time, our constitution might be amended so as to comport better with our present situation ; but it would not be prudent to attempt amendment under the present existing excitement in our state. To look back, it seems but a short time since 1802 ; but it has been long enough to consign thirty of our number, out of thirty-five, to their last resting place, and the few that still live can not long remain. Our venerable citizen, J. Q. Adams, Andrew Jackson, and the chief Black Hawk were born in the memorable year 1767, and they also are gone. My birthday was the second of February in that same year. I came to the back part of Virginia in November, 1787 ; in May, 1790, I came down to Kentucky, and the 1st of April, 1791, I came into the then N. W. Territory, and on the 22d of the month I was taken prisoner by the Indians, while out surveying with Col. Massie. After little more than a week’s captivity I escaped. And from that day to this my life has been one of turmoil. I came to the country young, inexperienced, without a friend to counsel or watch over me. I have met with some heavy pecuniary losses, but I am filled with gratitude to Him who has thus far sustained me.”

“HAMILTON, O., 19th April, 1842.

“*My Dear Friend* :—Your favor of the 29th ultimo has been received, and I am really happy to find that you are still in the enjoyment of health amongst the few who are now living of the first settlers of the country forming the State of Ohio. I have myself, like you, reason to be thankful to the Great Disposer of all things for the health which I am permitted to enjoy.

"I am pleased to see the formation of societies for the purpose of preserving from oblivion the facts and transactions which took place amongst the settlers at an early day. I am, however, one of those who never kept any memorandum of occurrences, and can not, therefore, give any correct account of the transactions and accidents which took place and happened at the time of the first settlement of the country.

"With respect to the convention which framed the constitution of the State of Ohio, you will recollect that we had more difficulty and disputation on the third article than on any other part. That article, with other parts, had been reported at an early day of the session, but not meeting with the views of a majority of the members it had been referred to special committees, who had made modifications and reported; the modifications, however, not being satisfactory could not be adopted. This caused the meeting of the few members of whom you have made mention. We met, consulted on the subject, and prepared a draft, which was presented and finally adopted, either as presented, or with very slight modifications. This, as well as I can now recollect, was the manner in which the third article of the constitution was finally framed and adopted.

"When you have leisure, I should be happy to hear from you.

Respectfully, your friend,

"JOHN REILEY.

"EPHRAIM CUTLER, Esq."

In the winter of 1842-3, Judge Cutler had a claim before the Ohio legislature for services rendered the state in 1822, when acting as commissioner of schools and school lands.

The attention of the House of Representatives was called to this claim, by the Hon. George M. Woodbridge, who at that time represented Washington county at the capital. He announced the result in a letter dated Columbus, 5th February, 1843:

"*Dear Sir* :—The resolution awarding you the small pittance of \$200 for services rendered the state, met with warm

opposition in the House, this morning, from McNulty and Byington. Chambers, Robinson, Ackley and myself supported it. It passed by a vote of 41 to 18.

"Yours very truly,

"GEO. M. WOODBRIDGE."

The Hon. Mr. Chambers wrote :

"HOUSE OF REPRESENTATIVES,

"COLUMBUS, *February 2, 1843.*

"E. CUTLER, Esq.

"*Sir* :—Being on the Committee of Claims in this branch, before whom your claim for compensation of services came for consideration, and which resulted in recommending its passage by the House, I take occasion to inform you that after a sharp opposition, and much debate, it was passed by a large majority. The resolution allows you 200 dollars in full for your services. The resolution had passed the Senate. Wishing you health and prolonged existence,

"I am sir, your friend and servant,

"DAVID CHAMBERS."

"P. S.—Your claim was ably and eloquently supported by your representative, Mr. Woodbridge."

Mrs. Sally (Parker) Cutler, who had always fully sympathized with her husband in his labors for the good of the public, and had contributed largely to the happiness of his life, was removed by death, June 30, 1846. She was born June 6, 1777, in Newburyport, Massachusetts. Her parents, William Parker and Mary (Warner) Parker, were of good New England stock, pious and intelligent. He was proprietor of a share (1173 acres) in the Ohio Company's purchase, and left Newburyport, with his family, in the summer of 1788, to join the Marietta colony. When he arrived in Western Pennsylvania, he found little prospect of comfort on the exposed frontier. Being unwilling to subject his delicate wife and helpless family to the hardships of pioneer life in the wilderness, he purchased a small farm in the Forks of Yough, where they remained twelve years, until peace and safety were assured. In 1800, they removed to

his land on Leading creek, Meigs county, Ohio, where Mrs. Cutler resided at the time of her marriage in 1808.*

In early life, she had the advantage of good schools. Her love of reading and fine literary taste led to constant intellectual advancement. She was remarkable for quickness and clearness of perception, readiness in emergencies, promptness in action, and sound common sense. She was a member of the Presbyterian church, and adorned her profession by humble and sincere piety. She was kind and liberal to the poor. Her influence was potent for good in the community where she lived, and was especially useful and helpful to young persons of her own sex.

She joined with her husband in the exercise of a cheerful and graceful hospitality; to which her attractive person and manners, her agreeable conversation and sprightly wit, gave an added charm. She not only superintended and participated the labors of her large household, but by her systematic methods found time to direct, in their early years, the studies and hear the recitations of her children, listening to the declamations of her sons and by her suggestions helping to train them as speakers. She was careful to inculcate correct principles, purity of life and heart, and that "fear of the Lord which is the beginning of wisdom." She gave to them ungrudgingly the best years of her life, and when they went forth into the world they felt her influence, like a presence, go with them. Well, may her children "arise up and call her blessed."

A free hospitality characterized the early settlers of Ohio, and in few houses was its exercise more constant than at the Cutler homestead. New Englanders who were proprietors of shares in the Ohio Company, or who came

* Ephraim and Sally Parker Cutler had five children:

1st. Sarah Cutler, born April 17, 1809; married Hon. Henry Dawes. She is still living at Marietta, Ohio.

2d. Manasseh Cutler, born July 25, 1810; died October 2, 1822.

3d. William Parker Cutler, born July 12, 1812; died April 11, 1889.

4th. Julia Perkins Cutler, born January 24, 1814.

5th. Clarissa Warner Cutler, born October 27, 1816; married Rev. James S. Walton. Died July 8, 1874.

out to see the country, rested here from the fatigues of the journey sometimes for weeks, and many letters, now yellow with age, speak with gratitude of the kindness shown the writers when "strangers in a strange land."

In his Western home Judge Cutler found himself in a community largely composed of officers and soldiers of the Revolutionary war. These veterans were among his best friends, and were always welcome and honored guests. Here the brave old Commodore Whipple told to appreciative hearers his gallant exploits upon the sea; and here St. Clair, Putnam, Oliver, Bradford, and scores of others often came for friendly intercourse, and "to fight their battles over again." A soldier never left his door uncheered by his courtesy, or, if in need, unaided by his liberality. Among the many visitors of later years were Paul Fearing, Samuel F. Vinton, W. R. Putnam, and Caleb Emerson, all admirable talkers, the latter a man of leisure who frequently spent a week there discussing the "old and the new" with his friend Cutler, in a way most satisfactory to themselves, and instructive and delightful to those whose privilege it was to listen, for as thinkers and conversation-alists they were unique.

He was free from that envy and selfishness which regards the gain of others as a personal loss. He rejoiced in the prosperity and advancement of his neighbors, and loved to gather them about him socially. And on Thanksgiving Day all his children and grandchildren were expected to appear at his table and enjoy with him that old-time festival. He treated women with sincere and respectful courtesy, and children with peculiar tenderness. In his own home his presence was always a benediction, and there his life seemed the most satisfactory and complete; for he was a thoughtful and appreciative husband, and the kindest and best of fathers.

Having carved out of the forests a farm for himself at Waterford, at Ames, and at Warren, he knew well the necessities and privations of pioneer life, and his helpful hand has aided many a worthy, industrious man to make a comfortable home in the wilderness. Not less than two

hundred families were established on lands which he conveyed to them, waiting their convenience, sometimes for years, to make him payment for their farms.

He seemed to know and appreciate every man's difficulties, and as far as practicable to remove them. Some were furnished with needed provisions or implements, some with a cow, that the little ones might not lack proper food; others were provided with a team, in order that their land might be cleared, fenced, or plowed in season for a crop, the seed for which was not unfrequently also supplied. He was a safe and judicious counselor. His advice and aid were often sought by widows and orphans in their perplexities, and was freely given. These and similar acts of kindness were many times recalled and gratefully acknowledged after he was sleeping in the dust. His readiness to help those who needed help sometimes occasioned him serious loss, for he was permitted to pay debts for which he was security to an extent really embarrassing; and yet, after all his financial difficulties, at the close of life he was entirely free from debt.

The Rev. Dr. Manasseh Cutler was a man of rare attainments in science and literature, and of high social position. It would not be strange if his son Ephraim sometimes thought with regret of the privileges of his father's house, foregone by his early transfer to the more humble home of his grandfather, Hezekiah Cutler, of Killingly. It may be doubted, however, if in moral and physical training, and in true manliness, he suffered any real loss; for it was from this man of strong intellect and sterling integrity that he received his first views of men and life; and learned that reverential regard for the patriots of the Revolution, and that ardent love of country, which at all times marked his career. Entering upon the active duties of citizenship soon after the close of that eventful period, he adopted the principles of Washington, Adams, and their compeers, and being positive and earnest in his convictions, never swerved from them upon questions of national policy.

It has been said of him that "he was one of the busy

workers, who at the right time, and in his appointed sphere, dug deep, and laid broad the foundations of many generations." * His successful effort in the constitutional convention to exclude slavery from the state, is thus noticed by another writer: † "The greatest service rendered by Judge Cutler in the convention was his determined opposition to the introduction of slavery into the State of Ohio; for, strange as it may seem, a strong effort was made to fasten this system on the state, notwithstanding the language and solemn compact of the ordinance of 1787. . . . Judge Cutler stood in the breach, and with all his power and great persistency battled against this movement. His friends rallied around him; he was finally successful, and to Ephraim Cutler, more than to any other man, posterity is indebted for shutting and barring the doors against the introduction into Ohio of the monstrous system of African slavery." Afterward, in the state legislature, he was the acknowledged leader of the friends of common schools. Israel Ward Andrews, LL.D., president of Marietta College, in his Centennial Historical Address, 1876, says: "Among the public men to whom the cause of popular education in Ohio was greatly indebted in the early history of the state, none deserve more prominence than Judge Ephraim Cutler." Referring to his labors in forming a new revenue system for the state, providing that property should be taxed according to its true value, which was established in 1825; Dr. Andrews adds: "To him, more than to any other, are we indebted for the law then enacted. The language of his contemporaries clearly shows that he was regarded as the author."

Being solicitous for the proper application of the new tax law, he accepted, in 1825, the appointment of assessor for Washington county, and gave to the laborious duties of the position his personal attention. He also held consultation with the assessors of other counties in the Ohio

* Hist. Washington, Co., O., p. 472.

† Walker's History of Athens county, O., pp. 390-391.

Company's Purchase, with a view to secure just and uniform assessments.

For more than thirty years he held continuously the office of justice of the peace, until he declined a re-election; and for an equal period he was a trustee of the Ohio University, to which he gave an intelligent and faithful service.

Any sketch of the life of Ephraim Cutler which left out the religious element in his character, would be incomplete. His whole life testifies that he was a liberty-loving and God-fearing man, worthy of his Puritan ancestry.

The formation of the Presbyterian Church in Warren township was mainly due to his influence. This church was constituted February 23, 1828, by the Rev. Augustus Pomeroy, a home missionary, and the Rev. Luther G. Bingham, representing Athens Presbytery. It was at this time that Judge Cutler made a public profession of religion. The letter, which he addressed to the church, giving his belief, experience and views of duty, is as follows:

“TO THE CHURCH OF CHRIST NOW FORMED IN WARREN:

“Having for some time earnestly prayed that a church might be established in this place, which is now accomplished, I, with a humbling sense of my own unworthiness, ask to be admitted as one of your members, acknowledging to you, and to the Father of our Lord, Jesus Christ, that I am unworthy to be one of the least in His visible church. Through a life filled with demonstrations of the constant care and sustaining power of Almighty God, I have been visited by His Holy Spirit at various times, convinced of the heinous nature of sin, and of the absolute need of a Savior—such an one as is clearly described and offered to us in the gospel; of the utter depravity of our nature, and total inability of meriting my own salvation, or living agreeably to the requirements of a pure and holy God, who searches the heart and knows the most secret thoughts of man, and can not look upon iniquity with complacency.

“Early in life, I believe at about the age of fifteen or sixteen years, I had very deep convictions of sin, and had manifestations of the forgiving goodness of God which almost overcame me. I then formed resolutions which, alas, I did not fulfill; but this time of His goodness has been through life an anchor to my soul in temptation and difficulties, and a monitor to call me back to repentance. I confess with deep contrition that I have run into many sins, and behaved unworthily as a Christian, for which I hope I have humbly and sincerely repented, and asked forgiveness, depending and relying alone on the atonement made for sin by the dying sufferings and blood of our glorious Redeemer.

“I also acknowledge that I have been greatly sinful in not coming forth and declaring myself on the Lord’s side, having experienced the refreshing influence of the Divine Spirit on my heart in hearing the preaching of His word at many times. I may mention particularly, under the preaching of the Rev. Jacob Lindley, of Athens, and Rev. Dr. Hoge, of Columbus; and also in an extraordinary manner by a sermon preached by the Rev. Mr. Davis, of Salem, Pennsylvania, from Jude, 14, 15, and 16 verses, wherein he proved the propriety, the justice and necessity of God’s punishing such sinners as are described in that text. I was brought to feel as well as to see, that a pure and a just God, who is of purer eyes than to behold evil, and can not look upon iniquity, must regard with disapprobation such an one as I felt myself to be. I felt that my best devotions and best actions were tinctured with selfishness, murmurings, and complainings.

“Unworthy as I confess myself to be, I feel it a duty incumbent on me to offer myself to become a member of Christ’s visible church, with a confident hope that He will intercede with the Father for the forgiveness of my sins, and relying alone upon the richness of free grace to make atonement for them, believing that none can come unto Christ unless the Father draw them; yet that all who hear the gospel have a free choice to accept the Savior or refuse him.

“With great diffidence, and some degree of humility, I have drawn up this sketch of my feelings, belief, and desires, earnestly soliciting of my Christian friends a remembrance at the throne of grace, that the Holy Spirit will perfect in me any good work that may be begun, and that I may so walk as to honor my Redeemer, and perform every Christian duty. The fear of failing in these has hitherto prevented my publicly professing my attachment to the cause of Christ.

EPHRAIM CUTLER.”

A few years later he was chosen a ruling elder, and, by his Christian example and prudent counsel, sought to promote the spiritual and temporal interests of the church. He was active in the Sabbath-school, weekly prayer meetings, and monthly concerts of prayer. He gave liberally to the Bible society and to the cause of Christian missions at home and abroad. He contributed according to his means to erect a church building, and to sustain the preaching of the gospel in it. He was twice a delegate to represent the Presbytery of Athens in the Presbyterian General Assembly, once at Pittsburg, in 1835, and again at Philadelphia, in 1837. It was truthfully said of him, “he served the church, as he ever did the state, with steadfast fidelity.”

He was an early and earnest advocate of the temperance reform, which began about 1830, both by example and precept. He banished all intoxicating drinks from his house and farm, and, in private and public, urged upon others the propriety and necessity of total abstinence.

His life had been an active one, and with a naturally good constitution and temperate habits, his health was almost uniformly excellent. Until nearly four score years of age, he could mount his horse from the ground, and in his eighty-sixth year, he was able to ride, on horse-back, in a single day from his home in Warren, some twenty-seven miles, to his farm in Ames. He was strongly built, about six feet in height, with a well developed head and deep grey eyes. Except his hearing, his faculties were remarkably well preserved, and to the last his strong intel-

lect and sound judgment were undimmed. Relieved by his son of all irksome cares, he spent much time in his favorite occupation of reading his chosen books and the newspapers, for he never lost his interest in the world's progress; thus surrounded by his family and friends, his was a beautiful example of a peaceful, happy old age.

Early in the spring of 1853, while riding to Marietta, his horse stumbled and threw him to the ground; although stunned at first, he, for a time, thought little of the occurrence, but it soon became evident that he had received serious internal injury. During the four months of invalidism succeeding the accident, he was cheerful and patient, receiving his friends with his usual courtesy, often expressing to them his unwavering trust in the goodness of God, and bearing testimony to the faithfulness of Him "who had been with him in six tronbles and in the seventh had not forsaken him." He had an abiding faith in the efficacy of the gospel, and in its final triumph on the earth. July 8, 1853, the end came; "he was not, for God took him."

His funeral discourse was preached by the late Professor Rev. E. B. Andrews, of Marietta College, who, at that time, ministered to the church in Warren.

Without reproducing letters of condolence, it may not be improper to record the following editorial notice from the Ohio State Journal: "We knew Judge Cutler intimately. A matter of business brought us together in 1841, and we have spent many pleasant days at his residence on the banks of the Ohio, a few miles below Marietta. His family was one of the purest, most amiable, and intelligent in the land. Hon. William P. Cutler, formerly speaker of the House of Representatives, and now president of the Marietta and Cincinnati Railroad Company, is his son, and for many years has resided at the homestead on the Ohio. Judge Cutler belonged to that class of strictly upright, honest, and true men, of whom the pioneers of this state afford so many noble examples. He was peculiarly blessed in his children. We have never seen a family that were united by stronger bonds of affection and

regard. His house was the home of comfort. Books, magazines, papers, all the appliances of the best cultivated taste were in abundance and were kept for use—not for show. He died at a ripe old age, and his memory will long be cherished by those who knew his virtues.”

The editor of the *Marietta Intelligencer* closed an appreciative obituary notice with these words: “In every sphere and relation of life, Judge Cutler was a useful man. He was an upright judge, an intelligent legislator, a public-spirited citizen, a good neighbor, an affectionate father, a sincere Christian, and an honest, true man.”

MAJOR JERVIS CUTLER.

Major Jervis Cutler, second son of Rev. Dr. Manasseh and Mary (Balch) Cutler, was born in Edgartown, Martha's Vineyard, September 19, 1768. His father removed to Ipswich Hamlet (afterward Hamilton), Massachusetts, in 1771, and took charge of the Congregational Church in that place. It was in that pleasant rural village that Jervis Cutler spent his boyhood and youth, participating in its educational advantages, until Dr. Cutler established at his own home, in 1782, a private boarding school for boys. Although bright, with an active, inquiring mind, he was not a close student, and, consequently, the boon of a career at Harvard College was reserved for a younger brother, and he was sent, at the age of sixteen years, to be initiated into the business of commercial life under the auspices of his father's friend, Captain David Pearce, of Gloucester. In the course of his novitiate, Captain Pearce sent him to Europe, and he visited France and Denmark, greatly enjoying all that he saw.

In the meantime a new project began to interest the public, more especially those who after years of hard service in the tented field had now returned to private life with reduced fortunes and shattered health. The plan, to which they were driven by their trials and necessities, was to purchase land of the government, upon which they could colonize together, and begin life anew. This led to the formation of the Ohio Company in 1786. Dr. Cutler was greatly interested in this movement, and his associates manifested their confidence in his integrity and good judgment by making him one of the three directors of the company, and commissioning him to negotiate with Congress for the land for the proposed settlement. With great wisdom and skill, he accomplished this business to the entire satisfaction of his associates. In the

autumn of 1787 preparations commenced for taking possession of the purchased domain, which consisted of 1,500,000 acres of land in the North-west Territory.

In the general interest this movement excited, the young mercantile clerk fully shared. He had seen enough of the world to wish to see more. When the first detachment of the forty-eight original pioneers of Ohio left Dr. Cutler's door on that bright winter morning, December 3, 1787, we are not surprised to find of the number Jervis Cutler, now nineteen years old, with his relative, Samuel Cushing, and other "neighbor lads," starting, with elastic steps and high hopes, on the long march to the Muskingum. Dr. Cutler then expected at no distant day to join the colony. In a letter of this date he writes to General Rufus Putnam, the superintendent of affairs: "My son is gone on in the company, and I beg you will be so kind as to pay some attention to him, and give him such counsel and advice as you would your own. I feel a satisfaction in the reflection that he is under your care."

History records the hardships of that wearisome march over bad roads and snow-covered mountains, and the tedious delays from inclement weather, and other misfortunes, but at length the goal was reached, April 7, 1788, and Jervis Cutler was the first of that band of pioneers to leap on shore as the Union galley neared the land. "He was often heard to say that he cut the first tree to make a clearing for a white habitation in the new settlement."

After two or three months spent at the Muskingum, he went back to Western Pennsylvania, where a number of New England families, some of them from his father's parish, were temporarily located, awaiting the establishment of the pioneer colony. Here he engaged in teaching school, and was thus employed when Dr. Cutler came through on his way to visit Marietta, the new settlement on the Ohio Company's land. At the close of his school he returned to Marietta, and in the spring of 1789 joined the association who commenced the settlement at Waterford, twenty miles up the Muskingum. His lot of land was on the fer-

tile peninsula west of the river, where Major Dean Tyler erected a block-house for the security of himself and those who were located near him. John Gardner, one of the associates, drew a lot adjoining that of Jervis Cutler, and they assisted each other in clearing their land, and had made favorable progress, when one day, while Cutler was absent at Marietta, Gardner was seized by a party of hostile Shawnees, bound, and hurried into captivity, but by adroitness and steadiness of purpose he escaped from his captors, and after four days absence got back the same time that Cutler returned from Marietta. The next morning they resumed their woodland labors. A lady who came that day to the settlement, a girl of seventeen, described Jervis Cutler as being at that time "tall, erect, graceful in his motions, and as handsome a man as I ever set my eyes on."

The following autumn, from curiosity to see the country, he joined a party of Ohio Company's surveyors, at work between the Big Hockhocking river and Raccoon creek. This party consisted of twelve men. They employed Benoni Hurlburt, a hunter and trapper, to supply them with meat. He was brought up a backwoodsman in Western Pennsylvania. Clad completely in dressed deer-skin, he was a bold and fearless ranger of the woods, and well acquainted with savage warfare; he often said "he was not afraid of any Indian," and yet two years later he fell by their hand.

While out with this party Jervis Cutler was lost in the woods, of which Dr. Hildreth gives a detailed account in his "Early Settlers of Ohio," taken from his own lips a few years before his death. It illustrates one class of dangers to which all of the pioneers were exposed. He was not one of the regular hands of the surveyors, but being fond of hunting and expert with the rifle, went out one morning with Hurlburt in seach of game. He became separated from his companion, and not being accustomed to the woods, could not regain the trail. Toward night he shot and wounded a bear, which escaped him. Finding himself actually lost, he fired his gun several times in the vain hope of hearing a response from the party. Night

coming on, he built a fire at the roots of a dry beech tree, and being very tired, was soon asleep. The fire ran up the tree, and a piece of ignited wood fell on his clothing and burned him severely before he could extinguish the flame. By daylight the next morning he started east in hopes of reaching the Hockhocking, which he knew was in that direction, but the day closed and he had not found the river. He laid down near a small stream of water, without food or fire, with his little dog curled up at his feet. The third morning he started early, saw many signs of buffaloes, but found none, or indeed any other game. His faithful dog, as if aware of his necessities, sought as eagerly as himself for game, and toward night discovered a little half-starved opossum. Regarding this as better than no food, he killed and roasted it by his camp-fire, and offered a portion to his dog, who, however, declined to partake of such poor fare; but Mr. Cutler, having now been three days without food, ate it with relish and felt refreshed. He arose on the fourth morning, after a good night's sleep, and pursued his eastward course with renewed vigor, though probably often deviating from it. Soon his dog started up a flock of turkeys; at this animating sight he leveled his gun at one of the largest birds, not thirty feet distant, and in his agitation and eagerness missed his mark, and it flew away unharmed. He thought his gun must have been bent or injured, and would no longer shoot with any accuracy. He was filled with despair, and believed he must starve before he could escape from the dreary woods. After shedding a few tears over his hopeless condition, he examined his gun, wiped it out, and loaded it with great care. A solitary turkey was still visible, perched on the top of a high tree. Resting his gun, he took deliberate aim, fired, and it fell to the ground. A fire was made, the turkey prepared and roasted on the coals; he thought he never tasted sweeter food—an opinion in which his little dog evidently coincided. Not long after, a deer came in sight, which he shot, and took with him the choicer portions for future exigencies. That night he supped on roasted venison, slept soundly by a cheerful

fire, and rose with renovated strength and spirits to begin the fifth day of his wanderings. A little before noon he came to the Hockhocking at a place he recognized, near where the surveying party began their work. He now knew where he was, but instead of returning to the settlement he determined to follow the line of surveyors, which he could readily do by the blazes on the trees, until he found them. Game was abundant; he was no longer harassed by feeling that he was lost. He started with fresh vigor on the trace, and came up to the surveyors the eighth day of his solitary ramble. They gave their lost companion a joyful welcome, but as he was not a regular hand, they supposed he had gone back to the settlement, and were not so much alarmed by his long absence.

A severe frost, early in the autumn of 1789, which fell upon and ruined the fields of unripe corn, was followed by a season of distressing scarcity of wholesome food in all the settlements. This season of famine was long known as "the starving year," and was not relieved until the next crop was gathered in. Jervis Cutler writes to his father, March 15, 1790: "The reason of my selling my land was this: We had lived all winter on the provisions we brought down the river with us, and had little work to do, and by spring we had expended all our provisions, and had none to carry on to our land with us, but had to run in debt for them. Things not turning out as I expected, I was obliged to live terribly poor—almost upon nothing. The men from whom I had provisions began to be uneasy about their pay, and threatened to sue me. I got disgusted with their behavior and with the country, and sold my land to pay my debts."

He adds: "The small-pox is raging very severely in Marietta at present, and every body has it in their own houses; and most of them have it very hard, and several have died." In the midst of famine, pestilence, and debt, no wonder the young man sold his land, and returned to his New England home, which he reached safely after an absence of three years.

He married, in 1794, Philadelphia Cargill, daughter of

Captain Benjamin Cargill, who, at that time, owned valuable mills, on Quinabog river. In 1795, his brother, Ephraim Cutler, removed from Killingly to Marietta, and, notwithstanding his hard experiences in the West, he would have joined him in the migration, but his wife shrank from the dangers and privations of pioneer life, which fascinated him. He writes to his brother: "I should esteem it one of the greatest pleasures of my life, if I could visit that country once more."

He came to Ohio in 1802, and engaged in the fur trade at Chillicothe and on the Miami, in which he was fairly successful, selling his furs in the eastern markets. He came west again in 1805, and established himself at Bainbridge, on Paint creek, where he purchased land and built a house, carrying on a mercantile business in connection with the fur trade. In May, 1806, while residing there, he was elected captain of a rifle company; and not long after major of Colonel McArthur's regiment of Ohio militia, a position "his fine personal appearance and some experience in military affairs in Connecticut enabled him to fill with great credit."—(Hildreth.)

May, 3, 1808, he was appointed, by President Jefferson, a captain in the Seventh regiment of United States Infantry, and received orders from the Secretary of War to open a recruiting office in Cincinnati. In November, he was sent to Newport, Kentucky, to take command of that cantonment; and writes from there to his brother: "I have been ordered with my company to this place, but am doubtful whether my winter quarters will be here. I lack but ten men of the seventy-five necessary to complete my company, and I have the finest set of young men ever enlisted this side of the mountains; and they are, considering the short time, tolerably well trained. I have lost five by desertion and death. I have a very agreeable set of officers, and we are pleased with our company and situation."

With a full company, he was ordered, February 23, 1809, to New Orleans, where they arrived late in March, and were attached to the command of Major Z. M. Pike.

He was soon after prostrated with yellow fever, and "while lying very low, reduced to a mere skeleton," he received notice that, "the senate not having confirmed his appointment, he was dismissed the service." Conscious of his own integrity and zeal for the service, and being sick, away from friends, without pay, and two thousand miles from home, he thought his case extremely hard. On investigation, it was found that the secretary had neglected to present his name to the senate, and that he had been falsely charged with having, at an election in Ohio, engaged in electioneering, and spoken disrespectfully of the administration. These charges he was able fully to disprove, and he applied to Congress for redress; and, in April, 1814, he received tardy justice by the allowance of his claim.

On leaving New Orleans, Jervis Cutler went, by way of Washington, to Massachusetts. He was a man of much versatility of talent, and a great taste for the fine arts. During his invalidism, he made some attempts at engraving, specimens of which he sent to his Ohio friends. Writing of them, he says: "These are my first attempts in this way. I had no tools fit to work with, and never saw an engraver at work in my life. These were done, by candle light, for my own amusement, and if they contribute to yours, I shall be highly gratified."

In 1812, he prepared and published "A Topographical Description of the State of Ohio, Indiana Territory, and Louisiana, with a Concise Account of the Indian Tribes West of the Mississippi, to which is added the Journal of Mr. Charles Le Raye while a Captive with the Sioux Nation on the Waters of the Missouri River." When descending the Mississippi, on the way to New Orleans, in 1809, Major Cutler made the acquaintance of Mr. Le Raye; speaking the French language fluently, he obtained from that gentleman the Journal, and much interesting information of a people and region then little known. He illustrated the book with copper-plate engravings. About one thousand copies were printed, and it appears to have been quite popular. He successfully continued his efforts

to acquire the engraver's art. His work was approved, and he received patronage from Salem and Boston.

In 1814, he was again in Ohio settling up his affairs, and on his return had in charge a daughter of Ephraim Cutler, going east to attend school. The journey was made on horseback, passing through Washington and Baltimore just before those places fell into the hands of the British army.

In 1817, he took his final leave of New England. There were as yet no public conveyances across the country, and he moved his family in wagons to Ohio. Here Mrs. Cutler died, October 6, 1820. He married again in 1824, Mrs. Elizabeth S. Chandler, of Evansville, Indiana, and settled in Nashville, Tennessee, where he pursued his occupation as an engraver. He was employed to engrave plates for business cards and bank-notes in Tennessee and Alabama, and to illustrate "Tannehill's Masonic Manual."

In 1841, he removed to Evansville, where he died, June 25, 1844; aged seventy-six years.

He was a man of kindly spirit, wide intelligence, and correct habits. His varied experiences made him a most interesting talker and pleasant companion. He was a Whig in principle, but took no active part in politics. His step-sons, W. H. Chandler, Esq., editor of the "Evansville Journal," and Hon. John J. Chandler, bore affectionate testimony to his great kindness of heart and moral excellence. His daughters married and settled at the South. He had three sons: Albigece Waldo Cutler, an elder in the Presbyterian Church, died in Iowa City, Iowa, in 1861; Charles Torrey Cutler, editor of "El Nicaraguense," died at Granada, Nicaragua, in 1856; George Albert Cutler, M.D., is in California.

WILLIAM PARKER CUTLER.

William Parker Cutler, youngest son of Ephraim and Sally Parker Cutler, was born at the old Cutler homestead in Warren township, Washington county, Ohio, 12th July, 1812. He died at Marietta, Ohio, where he had lived since 1872, on the 11th of April, 1889.

His father, always a busy man, was much in public life in William's school-boy days, and his mother had charge of his early education. She was a woman of cultivated mind and literary tastes, and of earnest religious feeling, and she left the impress of her strong character indelibly upon his mind. In 1829 he entered the Ohio University at Athens in the class of 1833. At the close of the Junior year ill-health obliged him to abandon his studies, and make a long journey on horseback through the South. On his return home, he engaged in farming with his father. His feeble health continued many years, and effectually checked any aspirations he may have had for a professional career. In the great political campaign of 1840 he began to make public speeches. Very soon he attracted the attention of the leading men in the Whig party, and in 1842 was its nominee for representative in the state legislature from Washington county. He was defeated by George M. Woodbridge, who ran as an independent candidate, and was supported by the Democrats.

In 1844 he was again nominated, and was elected by a large majority. Notwithstanding his retiring disposition, he soon acquired an influential position among his party friends in the legislature, and before the close of the session was recognized as a leader on the floor. In 1845 he was re-elected. In July, of that year, three citizens of Washington county, Creighton J. Lorraine, Peter Garner, and John Thomas, while engaged in assisting runaway slaves to escape, were captured by a party of Virginians on the banks of the Ohio river, within the limits of Wash-

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ington county, forcibly abducted, and confined in the jail at Parkersburg. No Virginian would bail them, although Nahum Ward, A. T. Nye, and Mr. Cutler offered to indemnify their bondsmen in any sum. They were tried and found guilty at the September term of the court at Parkersburg, but the question of the jurisdiction of Virginia over the soil where they were captured was referred to the Virginia Court of Appeals. In December the Ohio Legislature met. Immediately upon Mr. Cutler's arrival at Columbus, Governor Mordecai Bartley sent for him, and informed him that he had matured a plan for the rescue of the prisoners. It was to organize quietly a company—say 100 men—of the militia at Columbus, place them under reliable officers, appoint a rendezvous near the Ohio river bank, where the men should collect early on a given evening, secure boats, cross the river, and take the three Ohio men out of jail, and set them at liberty on Ohio soil. Mr. Cutler gave the governor all the information he needed, but told him the inevitable result would be a border war, and urged him to at least delay action. Governor Bartley was inclined to act at once, and seemed to think that it was his duty to secure possession of the men. Before he put his plan in operation, Samuel F. Vinton made his famous argument before the Virginia Court of Appeals. That court, at a special session held at Parkersburg early in January, 1846, admitted the prisoners to bail, each in the sum of one hundred dollars, and each on his own recognizance. They were at once set at liberty, and the case never reached a final decision.

In the fall of 1846 Mr. Cutler was again nominated and elected to the legislature. Of his journey to Columbus, now a five hours' ride by rail, he wrote to his father on December 7th: " . . . The stage left Marietta at 11 o'clock Wednesday night, and we had a perilous time getting to Zanesville. We found the water over the bridge this side Lowell so deep that the driver refused to cross. I prevailed upon him to let me have a horse and ride over and back, after which he ventured with the coach. We drove over Big Run bridge with the plank all afloat some

eight or ten inches above the sleepers, the fore wheels in some places pushing the planks up in heaps, and the hind wheels running on the sleepers. At another place we tried to swim, but the horses refused, and turned directly for the river at the mouth of the creek; we were barely saved by striking a high bank, which projected into the stream. At the bridge across Olive Green we found the plank afloat, and the driver and myself waded in and spent half an hour in the water loading the plank down with stones. But we were graciously preserved, and arrived safely at Zanesville Thursday evening, and at Columbus Friday night. . . . The Whigs, with great cordiality and unanimity, have placed me in the speaker's chair, the duties of which give me but little time at present."

In a letter to the Cincinnati Signal, after the close of this session, Hon. E. G. Squier spoke of Mr. Cutler's legislative career as follows:

"Let us glance around the hall of the lower house—not to admire its architectural wonders—and see if we can detect the 'men of mark.' Our attention first rests upon the speaker's chair. Its occupant is a tall and swarthy, perhaps we should say sallow man, dressed with the utmost plainness, and with a carelessness which might be deemed affectation in any other person. He stoops slightly—is it from a sense of being tall and without elegance? No. Although modest and retiring to a fault, he never bestows a thought on outward appearance, nor calculates outward impressions. . . .

"Mr. Cutler is a gentleman of liberal education, and his acquirements are rich and varied. Yet he has always been contented in the quiet of his farm; and in that retirement, reflection and thought have exercised their chastening and refining influences. When, therefore Mr. Cutler was called to the capitol, he came there with a healthy, well-balanced intellect, and nothing but a modesty almost painful in its excess prevented him from at once assuming the lead of his party. Yet, without effort, he soon became invested with an influence second to no other man's on the floor, and his voice carried with it a predom-

inating weight. As soon as the result of the late state canvas was ascertained, all eyes turned to him as the man best fitted to preside over the House to which he was elected. He received the unanimous nomination of his party and was elected to the Speakership. No other selection could possibly prove so satisfactory. He possesses the unbounded respect and esteem of all, and the utmost confidence is reposed in his impartiality. As an evidence of this it is only necessary to mention the fact that not a single appeal has been made from his decisions during the session, a circumstance without precedent in the history of previous legislatures.

"As an orator Mr. Cutler is impressive rather than forcible, and his speeches are marked by a finish possessed by those of few other men in the state. They flow as smoothly as Berriens, but there is an earnestness about them which Berriens's mere oratory does not possess; and for this reason they are more effective. He is unquestionably the most chaste and classical speaker in the Legislature."

In 1848 Mr. Cutler was warmly supported for Governor, but the situation demanded a candidate from Northern Ohio, and Seabury Ford was chosen. Later in the year he received the Whig nomination for Congress in the district composed of Washington, Morgan, and Perry counties, and after an active campaign, was defeated by William A. Whittlesey. Writing of him in this canvass, Hon. Charles B. Goddard, of Zanesville, who for many years served the state in high positions, said: "No man stands higher in my estimation than William P. Cutler. In argument he is one of the most convincing men I ever knew. I acknowledge to a change of opinion on more than one occasion produced by his reasoning."

In 1849 Mr. Cutler was chosen as the member from Washington county, to the convention which formed the present constitution of Ohio. The Whigs were largely in the minority in this body. While it was in session in Columbus, on the 6th and 7th of May, 1850, the Whig State Convention was held. Mr. Cutler writes in his

notes: "The delegates from Summit and Perry, and individuals from other parts of the state, expressed a wish that I should be the candidate for Governor, but I declined positively." Judge William Johnson was nominated.

While a member of the Legislature, in 1845, Mr. Cutler was active in procuring the charter of the Belpre and Cincinnati Railroad. He was elected a director at the organization of the company, in August, 1847. At a meeting of the board, in September, he was appointed to prepare a concise statement of statistical facts and arguments favorable to the construction of the road. This report was printed in 1848, and widely circulated. In 1849, at a request of a number of citizens of Marietta, he visited Baltimore to ascertain the prospect of the completion of the Baltimore and Ohio Railroad, and of forming a satisfactory connection with it. He met with little encouragement, for while the officers of that company preferred to make the western terminus of the road at the mouth of Fishing creek or at Parkersburg, the citizens of Wheeling had succeeded in securing the passage of a law compelling them to build to that city. At the annual meeting of the company, in August, 1850, Mr. Cutler was chosen president. Of this he wrote: "I accepted the office of president at the solicitation of the directors, particularly Latham and Madeira, and with the hope that the road would be built through Athens and Washington counties, and thus secure to that region great advantages." Surveys for the line were commenced at once. After a vain effort to unite with the Hillsboro and Cincinnati Railroad, a line was located from Chillicothe west *via* Blanchester to Milford on the Little Miami road, and east to Byers Station. This part of the road was placed under contract in 1851, although but \$550,000 in all had been subscribed. East of Byers the only subscription was \$100,000 from Athens county. Legislative authority having been obtained, subscriptions aggregating \$350,000 were voted by Washington county, Harmar and Marietta, and these, with \$50,000 individual subscriptions, were offered to the company with the condition that its name should be changed to the

Marietta and Cincinnati Railroad, and the road should be built through Barlow township. Noah L. Wilson, a director of the road, had visited Philadelphia and obtained positive assurances of aid from the Pennsylvania Railroad in case the proposition of Washington county was accepted. Equally positive assurances came through other channels, that no aid could be expected from the city of Baltimore or the Baltimore and Ohio Railroad. A committee, consisting of Mr. Cutler, Col. Jno. Madeira, Judge Rittenhouse, and the attorney of the company, Allen G. Thurman, was appointed to visit Marietta, and confer with the authorities in regard to the proposition. This committee unanimously recommended its acceptance "upon the terms, conditions and restrictions therein specified." The report was adopted by the board of directors of the Belpre and Cincinnati Railroad on the 12th of August, 1851, the only dissenting vote being that of Allen Latham. The name of the road became the Marietta and Cincinnati. John Mills and Douglas Putnam were elected directors, and, a year thereafter, Beman Gates and William S. Nye. Principally through the efforts of Noah L. Wilson, subscriptions were made of \$750,000 by the Pennsylvania Railroad Company, and \$250,000 by the city of Wheeling. These large subscriptions to the stock of the company made a basis of credit which at once gave its mortgage bonds high value. The entire line to Wheeling was placed under contract to be completed December 1, 1854, and at one time over six thousand men were at work upon it. An ugly contest with the Hillsboro and Cincinnati Railroad Company, which, with the countenance of the Baltimore and Ohio Railroad, was building to Parkersburg, was ended by a purchase of a control of its stock. All the conditions of success seemed to be fulfilled, when, without warning, came the news of the Crimean War. Sales of securities ceased. The work was stopped and every workman discharged. Mr. Cutler's health, which had long been feeble, failed entirely, and he was obliged to resign, in September, 1854. He still continued a director. Large suits were brought against the company by some of the

contractors. The little money that could be raised was quickly absorbed in paying interest. Mr. Wilson, who had succeeded to the presidency of the company, returned from England early in 1855, with a proposition from a syndicate, headed by the Count Zaleski, an exiled Pole then residing in Paris, to buy \$1,000,000 of the second mortgage bonds of the company if the syndicate could buy two thousand acres of mineral lands on the road at a low price and the principal shops could be located on them. Fortunately for the company, Mr. Seneca W. Ely, its secretary, had a thorough knowledge of the mineral district, and had a short time before, in connection with Mr. David Christy, procured options on several thousand acres of land in Vinton county. These options had expired, but Mr. Ely promptly renewed them and placed them at the disposal of the company, thus enabling it to consummate the sale.

Mr. Cutler attended the meeting of the board at Chillicothe, at which this proposition was considered. In answer to the question "how much money will take it to open the road in the cheapest manner from Athens to Marietta?" he stated that by adopting temporary lines with high grades and short curves it could be done for half a million dollars. He had procured surveys of such lines a year before. The chief engineer was not willing to indorse this estimate. Immediately after the meeting, Mr. Cutler was obliged, on account of his health, to abandon all his business, and make a long journey through Iowa and Minnesota. Returning about July 1st, much improved in health, he was summoned to a board meeting in Athens. Work had been resumed west of Athens, but nothing had been done east. The engineers had been engaged for months in making surveys for a modified line, and reported that one million dollars would be required to finish from Athens to Marietta. This put the completion of the road entirely beyond the utmost reach of the resources of the company. Under the circumstances Mr. Cutler felt obliged to again enter its service as a member of the "Committee on Construction," with Beman Gates and William S. Nye. The chief engineer re-

signed, and Col. H. C. Moore was appointed to succeed him. He co-operated heartily with the committee, and they were soon able to report that contracts had been let providing for the completion of the road to Marietta for less than \$500,000. To the efforts of this committee at that time, seconded as they were by Col. Moore, the people of Washington county are indebted for whatever of value the Marietta and Cincinnati Railroad has been to them.

The long delay in resuming work east of Athens proved well nigh fatal, but after labors and struggles, sacrifices, difficulties and discouragements impossible to describe or for the men of this generation to appreciate, the road was so far completed that a train ran through from Athens to Marietta on the 9th of April, 1857.

What followed is best told in Mr. Cutler's own words :

" The year 1857, will be long remembered for its financial crisis, paralyzing the internal commerce of the country, producing disaster and ruin to enterprise, and an almost utter prostration of credit. Beneath the ruins of that storm nearly all the capital of the country invested in unfinished railroads was lost. In that year the Marietta and Cincinnati Railroad was opened for public use. Its opening was just in time to receive with fatal effect that blow which staggered the commerce, credit and enterprise of the civilized world. . . . A large force had been placed along the line after its opening to prosecute vigorously works really of construction. To meet payments for this work the managers relied upon the earnings, which continued to increase rapidly from the opening until the crisis of the subsequent autumn was fully developed. The consequent loss of earnings left them without means to pay a force they were reluctant to discharge without full compensation for past labor. Strikes, insubordination, and riots were the result. To the almost entire demoralization of the operating force which ensued was added the calamity of eighteen months of almost incessant rain. This was so completely destructive of the newly laid track that regular trains were actually stopped on a portion of the road for nearly three months in the winter of 1857-1858. The patrons of the

road became discouraged ; its enemies were active and unscrupulous. Thus between internal disaster and outside enmity, its life was crushed out as between the upper and nether millstone."

Visiting Baltimore, early in 1858, to secure assistance in building a connection between Parkersburg and Marietta, Mr. Cutler met Philip E. Thomas, the first President of the Baltimore and Ohio Railroad. Of his interview with him he wrote: "Mr. Thomas expressed much sympathy with us, and said the Baltimore and Ohio people ought to give us the aid we asked. He said the idea of a railroad was suggested to him by the following incident: At the time the Baltimore people were much interested in the project of a canal to the Ohio river, he was one of the canal commissioners of the State of Maryland. He had become satisfied that a canal was impracticable, if for no other reason, from the want of water on the Alleghany summit. His brother (who was present) was at the same time much interested in a plan to reach the western trade from Baltimore by means of very broad tired wagons, to be drawn by eight or ten horses. He went to England to investigate the matter, and from there wrote to Philip E. Thomas that he had just seen two heavily loaded wagons drawn by a single horse with great ease over iron rails. Discarding the idea of broad tired wagons, he urged him to reflect upon the results that might be reached by constructing a road laid with iron rails over the mountains. This letter decided Philip E. Thomas to undertake the construction of the Baltimore and Ohio Railroad."

Mr. Cutler was elected vice-president of the road in 1857. In May, 1858, he was elected president to fill the vacancy occasioned by the resignation of Mr. Wilson. At this time all business between the Marietta and Cincinnati and the Northwestern Virginia Railroad, at Parkersburg, was transferred by boat; freight from Harmar and passengers from Scott's landing. The cost and uncertainty of this transfer was so great that it was impossible to obtain any through business. The local business of the road was barely sufficient to keep the trains in motion. A direct connection

was vital. The Baltimore and Ohio Railroad had refused to aid it. The English bond holders were unwilling to make further advances. Others interested were unable. All wished it built. Every body was willing that some one else should undertake it. The directors of the Marietta and Cincinnati Road had made large advances to complete it, and suffered heavily in fortune and credit. It seemed like madness for any of them to assume additional liabilities. Some body must step into the breach. The Union Railroad Company was organized, in 1858, to construct a line between Scott's landing and Belpre, a distance of nine miles. John Mills, Douglas Putnam, and Mr. Cutler undertook its construction. In November, 1858, the Marietta and Cincinnati Railroad was placed in the hands of a receiver. By prompt action, the home interests secured the appointment of Orland Smith by the state court, which was regarded as a more favorable forum for the enforcement of their rights. Relieved from the immediate oversight of that road, Mr. Cutler devoted himself to the task of securing funds for and constructing the Union line. A loan of \$20,000 was secured from the city of Baltimore. With this, and some other smaller loans and the money and credit of its promoters, the road was finished to Belpre in the fall of 1859. Its completion enabled Mr. Wilson to carry through a plan of reorganization of the Marietta and Cincinnati Railroad, by which all of its indebtedness was converted into stock of a new company.

Notwithstanding the difficulties and perplexities in which Mr. Cutler was constantly involved in the decade from 1850 to 1860, he did not relax his interest in public affairs. Always a "free-soil" Whig, he hailed as the dawn of a new day the formation of the Republican party, whose organic idea was opposition to the extension of slavery. In 1856, at the request of the Republican Central Committee, of Washington county, he held a series of joint discussions with General T. C. H. Smith, the Democratic candidate for Congress.

He was a delegate to the Presbyterian General Assembly, held in Cleveland in May, 1857. The absorbing topic before the assembly was slavery. The earnest anti-slavery men believed that the honor and dignity of the Church could only be vindicated by explicitly declaring that slavery was a sin, and by directing the Presbyteries South to no longer tolerate slave-holding members, ruling elders, and ministers. Those who believed that slavery was right were ready to accept the issue. Most of the clergy, who were connected with the educational and benevolent institutions of the church, were disposed to take some middle ground. A paper prepared by them, omitting any expression as to the sinfulness of slavery, and simply requesting the Presbyteries South to review their position, was presented. Mr. Cutler offered a substitute, prepared by himself and Mr. Haines, of Albany, New York, expressing the views of the anti-slavery members, that slavery was a sin, and that discipline to the full extent of the constitutional power of the assembly was the only proper action. He supported this paper in a fifteen minute speech of remarkable power, but it was defeated and the other adopted, Mr. Cutler alone, of the northern members, voting against it. After the adjournment of the assembly, Rev. Dr. Jacob Little, of Granville, Ohio, wrote to him: "In the opinion of thousands your resolutions and your stirring and rousing speech were the most important items of the last assembly. Do not allow yourself to feel that you were defeated, for you were not. You and your paper were the locomotive that drew up that long train, the whole Church North, to the sticking point of adopting, with wonderful unanimity, what I hope will be sufficient, though a stronger one would have made the sure more certain."

In 1860, Mr. Cutler was elected to the Thirty-seventh Congress from the district composed of Morgan, Washington, and Muskingum counties, the Hon. Hugh J. Jewett, of Zanesville, being his competitor. The period of time covered by this Congress was the most critical in the history of the nation. The war, for which the South had

been long preparing and which the people of the North could not be made to believe was impending until it was thundered in their ears by the guns of Fort Sumter, had begun when the Congress was convened in extra session, July 4, 1861. Washington City was a martial camp. A day's march south of the Potomac were the white tents of a hostile army. At the National capitol all was confusion. A future major-general of the Confederate army and its last secretary of war still held a seat in the Senate of the United States. The city was filled with rebel sympathizers. Communication between Washington and Richmond was scarcely interrupted. Richmond papers published each day the Washington news with but a day's delay. Among the supporters of the Union were men of every grade of opinion. There were those who, like Mr. Cutler, believed that slavery was the cause of the war, and that no lasting peace could be had except by its destruction. There were some who demanded its preservation as the price of their loyalty. Efforts were still being made to formulate a plan of settlement by which further bloodshed could be prevented.

In the South there was but one sentiment expressed, and that was for separation at any cost of blood and treasure.

When the session was half over, the National army was defeated at Bull Run. It was a severe, but necessary lesson to the people of the North. It taught them that a divided North could not hope for success over a solid South. Immediately after the battle a number of Ohio congressmen met and each agreed to tender to the government a regiment of men from his own district. They called upon the secretary of war, who agreed to accept the regiments if they could be raised without expense to the government. The congressmen pledged themselves to comply with this condition. Mr. Cutler telegraphed to Melvin Clarke and Jesse Hildebrand, of Marietta, on July 23d: "Government will probably accept an infantry regiment if ready in fifteen days. Can you raise it? I will bear all incidental expense of raising it."

Mr. Clarke replied on July 24th: "I think we can

have a regiment ready in fifteen days, though some of our companies have gone to Cincinnati. We will try."

On the same day Governor Dennison wired Mr. Cutler, in reply to his telegram, that he expected to secure a regiment in the Sixteenth Congressional District: "With whom shall I correspond to determine whether I shall accept your regiment? Will not secretary of war accept it in addition to regiments ordered through me?" On July 25th, Mr. Clarke and General Hildebrand telegraphed Mr. Cutler: "We have become fully satisfied that we can raise the regiment. What arrangements will be made for encamping, drilling, uniforming, and feeding? Volunteers want to know."

The regiment, the Thirty-sixth Ohio, was completed and sent to the front in the month of August. Captain, afterward Major-General George Crook was its first colonel. No finer body of men ever went to the field or rendered more efficient service.

The extra session closed August 5th. Mr. Cutler came home and was taken violently ill with typhoid fever. For a time it was thought that he could not recover, and he was not able to go to Washington until some days after Congress convened in its first regular session in December. Meanwhile the people had responded to the call for troops, and men had enlisted faster than arms could be provided for them. General Scott had retired, and General McClellan was in chief command of the army. One hundred and fifty thousand of the best young men in the land, encamped in sight of the capitol, had for months been learning that the cardinal military sin was to "guide left" while passing in review. No military movement of importance had been made in any part of the country. The people were restive at the long delay. The rebellion was growing stronger, and already there was danger of foreign intervention in its behalf. With the new year came a gleam of light from the West in the victory at Mill Springs, where George H. Thomas laid the corner-stone of his immortal fame. Inspired, perhaps, by this, and having failed in every effort to persuade General McClel-

lan to make an offensive movement, President Lincoln, as Commander-in-chief of the Army and Navy of the United States, issued on January 27, 1862, a formal order directing a forward movement of all the National forces on the 22d of February. Less than three weeks later General Grant sounded the key-note of his wonderful career in the message to the rebel commander at Fort Donelson: "No terms will be accepted but unconditional and immediate surrender. I propose to move immediately upon your works." The capture of Fort Donelson, followed in quick succession by the fall of New Madrid, Island 10, New Orleans, and the hardly won victory at Shiloh, gave heart and hope to the radical Union men in Congress, and encouraged them to renew the attack upon slavery.

On the 23d of April, 1862, Mr. Cutler made a speech upon a bill then before the House, the preamble to which declared that slavery had caused the rebellion, and that there could be no permanent peace while it existed. In this speech he supported these propositions:

First. It is the right and duty of Congress to destroy every enemy that threatens the National life.

Second. Slavery is such an enemy; therefore it is the right and duty of Congress to destroy it.

Mr. Cutler received many compliments for this speech.

Gerrit Smith wrote: "I rejoice that you were moved to make this eloquent speech. Its freedom and breadth of thought contrast very honorably with the servile and narrow spirit in which some members of Congress speak."

Lydia Maria Child wrote a long letter, saying in it: "I did not intend to make such a 'preachment,' as the children say. I was involuntarily led into it by admiring, in your speech, the combination of legal acuteness with clear moral perceptions."

Hon. Alphonso Taft wrote: "I have read your speech with unqualified pleasure. I sympathize with you entirely. . . . If such speeches as yours can not arouse Congress and the government, we can not hope for favorable action."

Lewis Tappan wrote: "Seldom is such truth pronounced

on the floor of Congress. . . . Your children and children's children will, I trust, read it with exaltation and honest pride, and consider it a rich inheritance."

Rev. George B. Cheever said: "I am greatly obliged by your admirable speech. Would to God that all the members of Congress, or a good portion of them, could see as you do."

Douglas Putnam wrote: "I have read and reread your speech. It is worthy of you, and does you credit. Its positions are right and tenable, and I am ready to indorse them from beginning to end."

Horace Greeley, in answer to a letter from Mr. Cutler, expressing the same views as contained in the speech, wrote as follows:

"April 28, 1862.

"*Dear Sir*:—I think I agree generally with what is said in your letter, though I do not see how slavery is to be put down unless some mode of attack is agreed upon. Congress ought to have long ago declared that the slaves of every rebel who shall persist in rebellion, after a specified future day, shall be free whenever and wherever the authority of the nation can reach them; and there should be a 'War Order' issued forthwith, offering instant freedom to every slave who shall escape from the rebels to us, and tell us what he can of their positions and strength. If we were in earnest, such measures would have been taken long ago. But we are not; we shuffle and trifle on, and let the Union go to ruin. When it is too late, we shall be thorough enough. I wash my hands of the calamity which I feel to be approaching. Yours,

HORACE GREELEY."

The session closed July 17th. Much had been accomplished. Slavery had been abolished in the District of Columbia, and prohibited in all territories held or to be acquired. Officers of the army were prohibited from returning fugitives. Slaves employed by the rebels for military purposes were confiscated. Authority was given to the President to call negroes into the service. Slaves of

all persons engaged in the rebellion were declared free wherever the power of the United States could reach them. Every authority necessary for a vigorous prosecution of the war was given to the President. The blood, the money, and the credit of the nation were placed at his disposal.

Mr. Cutler was again nominated for Congress in the summer of 1862, in the district composed of Washington, Athens, Meigs, and Monroe counties. The failure of General McClellan's campaign against Richmond, the defeat of Pope at Manassas, and the invasion of Kentucky by Bragg, made a chapter of disasters in the summer of 1862,* that, together with the absence of thousands of Union voters in the army (who were not then permitted to vote), enabled the opponents of the administration to carry Ohio in the fall election. Mr. Cutler was beaten by James R. Morris of Monroe county.

The President, when convinced that the battle of Antietam had effectually checked Lee's invasion of Maryland, had issued the famous Proclamation of Emancipation.

* During the fall of 1862, the water in the Ohio river was very low. A danger, to which the people living on its banks were exposed, and a curious fact concerning the winter of 1806-7, are given in the following letter of Hon. Thomas Ewing to Mr. Cutler:

"LANCASTER, November 24, 1862.

"*My dear Sir:* . . . The Ohio is low, and can not rise until it is moved by the spring rains. The earth is dry a foot and a half deep, and the recent long and heavy rain has but moistened the surface. The season is like that of 1806-7, when the winter closed on low streams; they froze to the bottom, and the springs ran over the surface forming glaciers near their sources. The Ohio was frozen to the depth of six feet, the ice—forming an arch—did not rest for support on the water, but when the farmers cut it to get water for their cattle it did not rise, but they dipped it, as if from a well, with a bucket attached to a pole. The river will probably be bridged for two months. Tell your people to look out for small marauding bands from the other shore—horse thieves especially—and if the first band succeed they will annoy you all winter. I wrote to General Wright. He says he will protect our border against large parties, but we must protect ourselves against small robber bands. I am, very respectfully, yours,

T. EWING."

General McClellan had been removed from the command of the Army of the Potomac, General Burnside succeeding him. General Bragg had been forced to retreat from Kentucky. Troops had come forward promptly to fill the call for three hundred thousand men. A brilliant victory had been won by Rosecrans' army at Corinth. When Congress convened in its last session in December, 1862, the military situation was not discouraging.* How quickly it changed, and the consequent feeling of the radical Union men in Congress, and generally in Washington City, will appear in the following extracts from Mr. Cutler's diary in the months of December, 1862, and January and February, 1863:

"*December 16, 1862.*—This is a day of darkness and peril to the country. Last night, Burnside's forces, after the terrible battle of the 13th, retreated to this side of the Rappahannock. The loss incurred in the fruitless attempt to carry the works of the enemy back of Fredericksburg is placed by current rumor at from five to twenty-five thousand men. But the great trouble is in the loss of confidence in the management of the army. Under McClellan, nothing was accomplished; now Burnside fails on the first trial. McClellan's friends chuckle and secretly re-

* It, however, appeared so to Americans abroad. Noah L. Wilson, President of the Marietta and Cincinnati Railroad, as reorganized, was in England and France in 1862, endeavoring to negotiate a loan for that company. He wrote to Mr. Cutler from Paris, 14th November, 1862:

"By this steamer you will receive the French Emperor's views as expressed to Russia and England in favor of asking an armistice. I hope Russia and England will unite in it, and that the government of the United States will accede, on condition of preserving the present status precisely: that is, the blockade to continue, and the armies to remain where now encamped. Then call a convention of all the states. I would not agree to this, but for the utter imbecility of our government and generals. They have frittered away our strength and resources, and as yet accomplished but little. This being the case, there is no use in continuing the war. You do not meet one man in one hundred in Europe who is not against us. It is even so with Americans from the Northern States."

Mr. Wilson was a staunch Republican.

joice over the result. The opponents of the administration are doing all in their power to break it down. They clamor about arbitrary arrests. They attack the proclamation. They do all in their power to prevent a vigorous prosecution of the war. They are intent upon dividing the North for the benefit of the rebels. A decisive victory by Burnside would have put them down and the administration up, but this disaster gives them courage and must weaken the administration. Lincoln, himself, seems to have no nerve or decision in dealing with great issues.

"We are at sea and no pilot or captain. God alone can take care of us and all his ways *seem* to be against us, and to favor the rebels and their allies—the Democrats. Truly it is a day of darkness and gloom.

"*December 19th.*—The rumor is that Seward has resigned, and that other members of the cabinet will do the same. It really seems as though the ship of state was going to pieces in the storm. The Democrats cry peace and compromise, clamor for McClellan, denounce the radicals, do every thing to embarrass the government. Judge Kelley, of Pennsylvania, made a capital speech in the House to-day in favor of the Proclamation, which is now being attacked by the Democrats, in hopes the President will not enforce it.

"*January 17th, 1863.*—During the past week we had in the House a full exhibition of treason in Vallandigham's speech, in which he counseled peace and submission to the rebels. He was well answered by Bingham, of Ohio, and Wright, of Pennsylvania. On the whole, I think there is a re-action against the infamous sympathy expressed and felt by the opposition leaders here and elsewhere over the country. But it is a *dark day*. Rosecrans' dearly bought victory [Stone's river] fails to give relief or inspire confidence. The failure at Vicksburg cast a deeper gloom over affairs. The feeling prevails that Lincoln allows the policy of the war to be dictated by Seward, Weed, and the border state men. He has certainly undertaken to carry on the mighty enterprise of subduing the rebellion by putting the power into the hands of those who are either hostile or indifferent to the war. The leading generals seem hitherto

to have had no heart in the cause. I hope Burnside is true and in earnest. Banks and McClelland can also be trusted. I am afraid of Grant. Rosecrans does well and seems in earnest. On the whole the generals of to-day are better than six months ago, when McClelland and Buell held the East and West in their hands.

"January 20th.—Talked to-day with Julian, of Indiana, in regard to Burnside. He says that when down at Falmouth with the committee on the conduct of the war, he had a private interview with Burnside. He believes him to be a loyal, true and earnest man, but he distrusts himself, was unwilling to accept his present position. He would command a division well, but did not feel that he could take charge of an army. Julian thinks that Burnside is truly convinced of the necessity of destroying slavery, and says that he has tried in vain to inspire his fellow officers with a cordial hatred of the system.

"January 21st.—Attended a secret caucus of Republicans last night in the committee rooms of invalid pensions. At a previous meeting various committees had been appointed to report on subjects for action.

"First.—As to the policy to be pursued as to admitting members elected to Congress from seceded states. The feeling seemed to be to prevent the premature admission of members from those states elected by authority of military governors.

"Second.—A uniform election law for members of Congress. This was approved, but voting of soldiers disapproved on the ground that it would make the army dangerous in elections, and of impracticability. It was asserted that the Army of the Potomac had been drilled into an anti-Republican engine, and that not one man in a thousand in it would vote for a Republican (which I don't believe); that large numbers of the Herald and World were circulated gratuitously among the soldiers, while other papers were practically excluded.

"The committee appointed to report upon measures proper for a more vigorous prosecution of the war asked that the injunction of secrecy be removed, so that they

could communicate with the President and heads of departments. Mr. ——— urged that all action should be in the house as members. Mr. ——— thought it proper to bring influence to bear, and if that failed to move the President, then to act in Congress; so did ———, of Illinois. Mr. ——— [of New England] said there was no hope, except in change of cabinet; that it was notorious that there was no union of sentiment or feeling among them; that one member would call another 'Billy Bowlegs,' and another the 'Black-nosed Terrier;' that they were the fag-ends of the Chicago Convention — disappointed aspirants for the presidency; that Lincoln had honesty, which might save him, but could not alone save the nation; that our hope of success was about equal as to certainty as the destruction of a tree by lightning, as compared with the use of proper means. He confessed to a stray hope down in the bottom of his heart, yet, as matters stood, the cause was about hopeless. Mr. ——— said he had become satisfied long ago that McClellan was a failure, and that immediately after the evacuation of Manassas by the rebels, leaving their wooden guns, he drew up a resolution to offer in the house, asking the President to relieve McClellan of command, and that he was prevented from offering it by another member. He asserted that after McClellan had returned from the Peninsula, and was at Alexandria on a vessel, he was visited by an officer on board the ship, and for three hours urged to go to the relief of Pope, but he replied there were too many men there—meaning the enemy. Mr. ——— stated that he went to the committee on the conduct of the war, and found that its members did not know of the resolution, and that he opposed it because he thought it would not carry, and the effort would do harm. Mr. ——— said that in a conversation with two officers of high rank, after the battle of Fredericksburg, they stated that Burnside had but two alternatives—one was to cross at that place; the other was a worse one; and that although Burnside had assumed the responsibility it was under that state of things. These officers were severe on Halleck, and

thought there should be no commander-in-chief until some man arose out of the war entirely superior to all others, which had not yet taken place.

"It was stated by some one that a mob in New York city might be looked for any time. This was denied by a member from New York.

"*January 24th.*—Called at Willard's hotel, and had an interview with Mr. Bradley and Mr. Markley, of the Camden and Amboy Railroad lines, in regard to the Ohio river bridge at Parkersburg. They appeared to be quite ignorant of our Marietta and Cincinnati Railroad route, but became interested when its value had been explained. My object is to get a through equipment that will extend from Jersey City to Cincinnati. I am exceedingly anxious to get an Ohio river bridge up next season. Garrett is very slow to move—is evidently afraid of the future—is surrounded with Democratic-Secesh politicians, who have no faith in any thing except the divinity of slavery—who fill his mind with fears of the future. I think he is really desirous to build up our line, and willing to aid in the bridge. Felton and Parker, of Philadelphia, Wilmington and Baltimore Railroad are quite friendly and interested, will help the thing along all they can.

"*January 26th.*—To-day it is said that Burnside has been relieved at his own request, and Hooker put in his place. The late movement was thwarted by the great storm, which came on just as the army started. To human vision all is dark, and it would almost seem that God works for the rebels and keeps alive their cause. Our Potomac army is so far a failure, and seems to be demoralized by the political influences that have been brought to bear upon it. It may be doubted, whether they would succeed even with a good general. All is confusion and doubt. Still out of all this God is able, and I trust willing to bring the nation into purer light and permanent peace. But how striking the want of a leader. The nation is without a head. Is not this state of things, a forerunner and preparation for the coming of him whose right it is to reign. All faith and

confidence in every body seems to give way. Why not look up for him who is to 'come quickly'?

"*January 27th, 1863.*—Attended another meeting of the Republican caucus. Mr. — reported that his committee could see no way to infuse greater vigor into the administration, and asked to be discharged. The question of circulating newspapers among the soldiers came up. Mr. — reported that the committee had devised no plan for circulating papers. Mr. — suggested that each member should send papers to his friends in the army. Mr. — urged the importance of more decided effort. Mr. — thought that all the trouble was with the cabinet, and gave notice that he would, at next meeting of the caucus, move a resolution of want of confidence in the cabinet. Another member proposed to go further and agree upon a new cabinet, and propose it to the President, and claimed that we could agree upon one—said that three-quarters to two-thirds of the Republicans would unite upon Banks, Grow and Chase for the new cabinet. M. — said that this was nothing more or less than appointing a committee of safety, really taking matters out of the hands of the President—he was not prepared to go outside of constitutional limits. Mr. — said he did not propose to name a new cabinet—leave that to the President. A western member said all our trouble arose not from the President, but from hasty and radical action of Congress in passing emancipation and confiscation acts—that these had produced divisions at the North and driven Democrats away from us—that slavery would have died out, etc. Another said that if the President had let Fremont alone, the country would have sustained him. He also stated that persons in this city were retained in office, who were notoriously disloyal, and that Lincoln assigned as a reason the necessity of conciliating them. He also stated that a member present had a brother, who sympathized with the rebels, retained in the Interior Department. This member denied that he had asked to have his brother retained—said to the Secretary, that if Democrats were to be retained he wanted his brother. Mr. — stated that the great difficulty was in holding the

President to any thing. He prided himself on having a divided cabinet, so that he could play one against the other—that Stanton had lost his power by being overridden so often—that he ought to have offered his resignation at first—but it would not do now. So the upshot of the matter is that confusion is worse confounded—no one seems to have confidence in any body or any thing. The earnest men are brought to a dead-lock by the President. The President is tripped up by his generals, who for the most part seem to have no heart in their work. It is now rumored that Franklin failed to support Meade on the left at Fredericksburg, or we should have had a victory. God alone can guide us through this terrible time of doubt, uncertainty, treachery, imbecility and infidelity. The poor may have some faith in God, but there seems but little of it here. Stevens jokingly remarked that he thought there was a God, when he was as young as Kellogg, of Michigan (who said we should remember him, etc.) but he had given it up lately. That is the feeling now, that God favors the rebels. Let us wait and see which side he is on.

“February 2d.—After a long contest over Mr. Stevens’ bill to raise negro regiments, it finally passed to-day, 83 to 54. The Democrats seemed determined to make capital out of the idea of putting a negro on an equality with the white man by making him a soldier. They have used every effort to rouse up the worst prejudices of the army and the people, and seem to glory and exult in the opportunity to degrade and tread down God’s image in the person of the negro. Surely, there is no solution of the terrible complications of our situation, except in the power and strong arm of God himself. The Democrats claim a strong reaction in their favor, and seem intent only upon increasing the universal dissatisfaction, and turning it all to their own account in building up a peace party. Political demagogues rule the hour. The people are bewildered and in a fog. The true friends of the government and of the great principles which underlie the contest are groping around without a leader—absolutely no one to command entire confidence—and yet progress is being

made daily. This vote is a recognition of the negroes' manhood, such as has never before been made by this nation. We say in this hour of peril: Come and save us. 'Our God is marching on.'

"*February 7th, 1863.*—Attended meeting of Republican caucus. The circulation of loyal and the prohibition of disloyal papers in the army was the subject of conversation. It was stated that the 'Herald' circulated 7,000 copies. The committee who had been appointed to wait upon the Secretary of War reported two resolutions proposed to be adopted as articles of war, giving authority to suppress any papers giving aid or comfort to the enemy, and to punish the proprietor, and sell his press. It was decided to refer this to three members, to confer with the Senate committee, who have a similar measure under consideration.

"Judge Kelly stated that Hooker was quite desirous to exclude the treasonable papers, and that he was taking hold of the army with spirit.

"*February 9th.*—Called this morning on President Lincoln to present him a petition signed by some thirty members of Congress asking him to appoint Captain Carpenter, of the Jessie Scouts, colonel of one of the negro regiments, in case the bill passes the Senate. He said the great difficulty he feared was the treatment the negroes would receive from the rebels if captured. I replied that it was the more important that the regiments should be well officered, so as to be able to protect themselves from capture. He quickly assented, but added that he was troubled to know what we should do with these people—the negroes—after peace came. I replied that interest would settle that question. The same plantations that need their labor now will need it then. If the land owners can not get negro labor for nothing, they will pay for it. He answered: 'Whatever you and I may think of these things, people's opinions are every thing.'

"Washburne, of Illinois, was in the room, and read a letter from General Grant, dated near Vicksburg, January 29th. In it he said that the canal cut there was only nine

feet wide at the top, and of course was of no value. He was trying a larger one, but thought he could take the place by getting a channel through into the Yazoo from the Mississippi side. The river was then bank full."

These extracts vividly portray the feelings of the majority of the Republican members of Congress at that time. Subsequent events modified Mr. Cutler's views, and when urged, early in 1864, to join the movement to make Secretary Chase the nominee for President, he declined, saying that he believed that no one could take the place of Mr. Lincoln, now that he had apparently found in General Grant one who was competent to command the army. Abraham Lincoln's fame rests upon the eternal foundation of results. It is none the less true, that from the beginning to the end of his administration he was never in cordial sympathy with the leaders of the Republican party in Congress.

Mr. Cutler was never again a candidate for office, although he took part as a speaker in every subsequent political campaign during his life. He was not a successful politician. Whenever placed in nomination by his party it was because of a belief in his fitness for the office, and in spite of his unwillingness to "make interest," as he used to express it.

Except in 1842, he always received the full party vote in Washington county, and usually led the ticket.

In July, 1863, while the people of Ohio were yet rejoicing over the victories of Vicksburg and Gettysburg, they were startled with the news that the rebel general, John Morgan, at the head of a large force of cavalry, was riding at will through the southern portion of the state. Governor Tod assembled the militia of Southern Ohio in camps at Portsmouth, Chillicothe, and Marietta. Most of them were without arms, and were worse than useless. On July 18th Mr. Cutler was in Marietta, when Colonel William R. Putnam, commanding the camp there, received a telegram from General J. D. Cox, as follows: "Please see that at all points between Athens and Marietta the people blockade the roads, so that Morgan can not dodge north between those places. This is very important; no gap must

be left; there is abundant force around him, if this is done." On seeing this telegram, Mr. Cutler wrote Colonel Putnam: "I understand that General Cox wishes the roads leading across the track of the M. & C. railroad to be obstructed. This work can be accomplished well by the railroad employes who are under my control. If you wish, I will take charge and execute it." Colonel Putnam directed him to proceed with the work. Two companies of Athens county militia, under Captains Holmes and Grewell, were ordered to report to him. Arriving at Big Run with them on a special train, he found Captains Waugh and Maxwell's companies of Morgan county, and Captain Doe, of Athens county, who also placed themselves under his command. A corps of sixty mounted scouts was organized and sent to the immediate vicinity of Morgan's movements, with orders to report hourly. So vigorously was the work of blockading pushed, that on the morning of the 19th Mr. Cutler telegraphed that ten miles in width of territory was thoroughly blockaded, and on the same night that the work was complete. His scouts brought him accurate information, and enabled him to send to Colonel B. P. Runkle, then commanding the camp at Marietta, the first news of Morgan's defeat at Buffington. Those of Morgan's men who escaped at Buffington did not attempt to cross the railroad between Athens and Marietta, but went far west to Vinton station. Returning home on the 20th, Mr. Cutler was surprised to find that a regiment of militia had been encamped about his house, and that two lines of rifle pits adorned his meadow.

In the political campaigns of 1863 and 1864 he made many speeches in Washington and adjacent counties. The intense feeling then existing is illustrated in the fact that he was twice shot at when returning from political meetings in remote districts, and received numbers of anonymous letters, threatening his life, if he persisted in making "abolition speeches." He paid no attention to these attacks and threats, believing that if it was really intended

to assassinate him, no amount of precaution on his part could prevent it, and determined that if it was only meant to frighten him from what he believed to be the path of duty, it should not succeed.

On the 14th of April, 1865, the people of Ohio assembled in the churches, in obedience to the proclamation of the governor, to give thanks for the great victories at Richmond and Petersburg, and for the peace which the surrender of Lee's army and the triumphant march of Sherman's column through the Carolinas made certain. Of the meeting in Mr. Cutler's neighborhood, one who was present wrote the following account: "The church was decorated with flags and flowers. Over the pulpit was the motto, worked in evergreen: 'Thanks be to God, who giveth us the victory.' Mr. Judson Hollister presided, and made a patriotic and appropriate speech. After prayer and singing, refreshments were served. Mr. Cutler was then called upon, and spoke in his happiest manner. He said that he rejoiced not only that the war was substantially over, but in the triumph of correct principles; in the recognition of the right of the colored man to life and liberty—in the fact that we had a government able to maintain its authority, and that we had a God. He believed that our government would stand until God established his own kingdom on the earth. These were some of his ideas. His speech was much applauded. After it was dark, there was a great line of bonfires on the three hills back of Mr. Cutler's house. All the houses in the neighborhood were illuminated, and everybody made a noise, and the first words on everybody's lips were: 'Now the boys will come home.'"

Mr. Cutler was elected a member of the first board of directors of the reorganized Marietta and Cincinnati Railroad Company, in 1860, and was soon after chosen its vice-president. While in Congress he was principally instrumental in securing the passage of the bill authorizing the construction of the railroad bridge at Parkersburg. The reorganized company issued first mortgage bonds to the amount of \$3,500,000. This, according to the estimate of

Mr. John Waddle, the chief engineer, was sufficient, at prices ruling in 1861, to complete and thoroughly equip the road from Belpre to Loveland, replacing all trestle work with trussed bridges, stone culverts or earth embankments, to build a line from Loveland to Cincinnati, and from Leesburg to Dayton. The condition of public affairs made it impossible to negotiate any considerable portion of these bonds until 1863. Before the work of construction and reconstruction was fairly under way, prices for labor and material had almost doubled. It was found necessary to expend one million of dollars for new equipment and for real estate on the Cincinnati extension. It soon became evident that the proceeds of the bonds would not accomplish all that was expected. Mr. Cutler, at the close of his term in Congress, intended to sever his connection with the railroad and devote himself to his family, his farm, and his books. At the earnest solicitation of the directors of the company, he finally agreed to take the immediate oversight of the work of construction. Mr. Wilson, the president of the company, having removed to New York in 1864, the active charge of the local affairs of the road devolved upon Mr. Cutler. Notwithstanding the commanding position of the road, in furnishing the shortest route from Cincinnati to the seaboard, all efforts to build up a profitable through business for it, proved unavailing because of the lack of co-operation of its only connecting line to the east. An increase of earnings was essential to financial success, and could only be secured by a development of traffic from local sources. The efforts made resulted in an increase of over fifty per cent in revenue from local freight in the years from 1864 to 1868. His plans for its future development, as shown by his reports and correspondence, were to secure for the company tracts of coal land on and adjacent to the road; to build a branch from Mineral City to the heart of the Hocking Valley coal field, near Nelsonville, and, ultimately, to Straitsville; to build from the present site of Wellston to Gallipolis and Pomeroy; to extend to Dayton from Leesburg; to Ironton from Bloom Switch, and to Wheeling

from Marietta. This would have given the Marietta and Cincinnati Railroad an almost absolute control of the mineral fields and manufacturing cities of southern Ohio, whose traffic now supports the Scioto Valley, the Ohio Southern, the Dayton, Fort Wayne and Chicago, the Kanawha and Ohio, the Toledo and Ohio Central extension, and the Ohio and West Virginia division of the Columbus, Hocking Valley and Toledo Railroads. The fact that these six roads have been built sufficiently vindicates the wisdom of Mr. Cutler's policy.

The ill-health and death, in 1867, of Mr. Wilson, his business difficulties and the embarrassment of his successor in the financial management of the company, caused its control to pass into the hands of the Baltimore and Ohio Railroad. It was thought to be the interest of that company to use the Marietta line for through business only. The result of this policy is shown in the construction of competing lines to every principal point reached by the Marietta road and in the fact that the Marietta company—now known as the Baltimore and Ohio South-western—has just passed from the hands of a receiver for the third time in its history.

Mr. Cutler's connection with the road terminated in 1868. While investigating the coal veins in Athens and Vinton counties, he became one of the prime movers in the Columbus and Hocking Valley Railroad. Of its organization and his connection with it, the Hon E. H. Moore, of Athens, writes the following interesting account:

*"Dear Sir:—*In answer to your inquiry in regard to Hon. Wm. P. Cutler's connection with the projection of the Columbus and Hocking Valley Railroad, permit me to state briefly, that in the winter of 1863-64, at a meeting of the directors of the Marietta and Cincinnati Railroad, held in Chillicothe, Mr. Cutler, as vice-president, in his report to the board, dwelt largely on the prospect of coal as an important item of freight for his road. Coal had been very dear and scarce in Cincinnati and along the line of the road for one or two winters previous.

"I suggested to Mr. Cutler that the supply along the line of the road was limited and that the seams of coal were thin and unreliable, but that along the Hocking river, near Nelsonville, were extensive deposits of coal six to eight feet in thickness, of superior quality. He seemed deeply interested, and said he would like to visit these mines. A very few days after I received a telegram from him to secure transportation and invite Mr. M. M. Green, then a citizen of Athens, to accompany us. We went up the Hocking valley to Meeker's run, one and a half miles below Nelsonville, followed up the south branch about one mile to where the coal showed a face of seven feet. We then passed up the west branch of Meeker's to opposite Nelsonville, and over a ridge to mines operated extensively by W. B. Brooks, of Columbus. Mr. Cutler was astonished, a six-footer, to enter a mine erect. The coal was of a very fine quality. We put up at Nelsonville over night. The next day we went up to the Dorrs run mine, over the bridge to Monday creek, down the creek to its mouth, examining the coal along the streams. Mr. Cutler was very enthusiastic; dwelt largely upon the future of the Hocking valley; predicted an enormous demand in the near future for its latent fuel, and that a railroad leading out of the valley would most assuredly be a success, as the demand would be unlimited.

"Mr. Cutler proposed to Mr. Green and myself that with two or three friends of his who would join us, we purchase two thousand acres of the best of these coal lands. With this land as a basis, he could build a road to Athens, connecting with the M. & C. When finished, the road could be operated or leased to pay a fair dividend on its cost. On his return to Marietta, he was joined by Douglas Putnam and Colonel John Mills. I was delegated to make the purchase. Meeker run was selected as the field. I was not long in securing the requisite amount of land. We filed our certificate of incorporation: W. P. Cutler, Douglas Putnam, M. M. Green, John Mills, and E. H. Moore, incorporators; termini, Athens and Columbus, O.; capital stock, \$500,000. We each subscribed \$10,000,

and were proceeding to organize, when W. B. Brooks, the most extensive miner and shipper in the valley, called on us with a request that we meet Columbus parties, to consult upon the propriety of extending the road to Columbus. Messrs. Cutler and Green met a committee consisting of Wm. Dennison, W. B. Brooks, W. G. Deshler, Wm. Hayden, Theodore Comstock, and others. The result of the conference was the pledge of a sum of money sufficient to pay the expense of a preliminary survey, which was ordered. A skillful engineer was employed, who at once entered upon his work and in a very short time prepared his report.

"A meeting was called at which a large number of active business men of Columbus attended in addition to those who attended the former meeting. The report of the engineer was very satisfactory, showing easy grades and curves, and cheap construction. Mr. Cutler, in his usual plain, unassuming, convincing manner, addressed the meeting, dwelt at large upon the route selected as being the best possible outlet to the exhaustless coal fields of the Hocking valley, and the enormous amount of freight the road would be capable of transporting. He said that the demand for fuel in the West, North-west, and North would be equal to the capacity of the road. That the advantages to Columbus would be very great, furnishing cheap fuel, stimulating manufactures of all kinds, and that in less than twenty years the capital and population of Columbus would be tripled. So convincing were his arguments that it was resolved to construct the road at once from Columbus to Athens. Books of subscription were opened. Mr. W. B. Brooks, the most extensive coal operator of the valley, subscribed \$10,000; others followed with liberal sums. The organization was soon thereafter completed. On the recommendation of Mr. Cutler, Mr. M. M. Green, who had had large experience in railroad construction, was selected as president and general manager, and at once entered upon his duties.

"The road was opened for traffic to Lancaster, Logan, Nelsonville, and Athens in July, 1870.

"The history of the Columbus and Hocking Valley Railroad, from Columbus to Athens, is one of unparalleled success. From the day it was completed to Nelsonville, mining and shipping of coal increased with astonishing rapidity.

"It not only supplies the local demand along its lines, the railroads diverging from Columbus, but the upper lakes, the Canadian border, the West and North-west. The demand and supply is simply enormous.

"For a short time the stock was sold under par, but soon took rank among the best paying stocks in the state. In 1881 the stock commanded a premium of eighty per cent.

"During the last twenty years, since the completion of this road, the towns and villages along its lines have made rapid advancement in manufactures and substantial improvements of all kinds. But the most notable is the city of Columbus, which has more than tripled its manufactures, its wealth and population, verifying in the highest degree the foresight and good judgment of the Hon. Wm. P. Cutler, one of Ohio's noblemen, to whom we are indebted for the *early projection of the Columbus and Hocking Valley Railroad.*

"Very respectfully,

E. H. MOORE.

"ATHENS, O., *March 1, 1890.*"

In 1868, Mr. Cutler was elected president of the newly organized Marietta and Pittsburg Railroad. He continued in this position until 1872, and rendered valuable aid in securing its construction. He was succeeded by Gen. A. J. Warner, the contractor who built the road, and who, with remarkable ability and energy, carried it safely through the panic of 1873, and completed it to Canal Dover.

From 1869 to 1873, Mr. Cutler was principally engaged as a contractor in building railroads in Illinois and Indiana. The panic of 1873, which swept over the country like a whirlwind of fire, found him and his associates carrying heavy loans, and with much unfinished work, and

destroyed the value of their securities. He gave up all of his property, and at the age of sixty-one, without money or credit, and realizing that a short span of life was left to him, commenced business life anew.

In the year 1878, the management of the Marietta and Cincinnati Railroad having secured the construction of the Baltimore Short Line, thirty miles long, down the Hocking valley from Warrens Station, saving ten miles in the distance from Cincinnati to Parkersburg, and having leased it for an annual rental of \$153,000, abandoned the thirty-five miles of its road from Warrens to Scott's Landing. The citizens of Washington county were left with three miles of railroad between Marietta and Scott's Landing to show for an investment of over three-quarters of a million dollars in the stock and securities of the Marietta and Cincinnati Railroad. Every dollar of this was worthless, largely because of the burden on the finances of the company caused by the lease of the Baltimore Short Line. The abandoned road was located in accordance with an agreement with the original company, solemnly reaffirmed when it was reorganized in 1860. Good or bad, its location secured for the company subscriptions to its stock of over fifteen hundred thousand dollars. These subscriptions enabled it to sell its bonds and build its road. The defects in its construction could have been removed, its grades reduced to the maximum adopted on the Baltimore Short Line, its tunnels securely arched, its trestles replaced with earth, iron, or stone, according to the estimate of Mr. Waddle, for one-fourth the cost of the new line. Seven prosperous villages had built up along it. The depreciation in values of real property in Washington county because of the stoppage of trains was estimated at four hundred thousand dollars. A railroad company was organized, of which Mr. Cutler was made president, and permission was sought to repair and operate it. This, for reasons impossible to understand, was bitterly opposed by the management of the Marietta and Cincinnati Railroad Company. An appeal was made to the legislature. A bill to authorize the condemnation by any railroad company

of any portion of another road that had been unused for one year was introduced in the house of representatives in January, 1881. The attorneys of the railroad company appeared before the committee to whom the bill was referred, to oppose it. Mr. Cutler, Hon. Thos. W. Ewart, and Judge Sibley appeared in behalf of the people of Washington county in its favor. Mr. Cutler closed the discussion, supporting with great ability the proposition that the grant by the legislature to a railroad company of the right to condemn property, construct and operate its line, and take tolls, was in consideration of its continuous service to the public as a common carrier, and that the abandonment of the use of its line or any part of it should constitute a forfeiture of its right to it, and that the legislature could and should exercise the right of eminent domain in authorizing some other railroad company to condemn it. The house of representatives passed the bill by a two-thirds vote. It was indefinitely postponed in the senate by a close vote, but its passage, or that of a similar bill at the next session, seemed assured. Meantime the creditors of the Marietta and Cincinnati Railroad, which had been in the hands of receivers since 1877, its funded and floating debt having been increased, since 1868, over \$15,000,000, had agreed upon a plan of reorganization and a decree of foreclosure that permitted a separate sale of the abandoned line. A new company, known as the Cincinnati, Washington and Baltimore Railroad Company, acquired its property and rights. General Orland Smith was made its president. No further difficulties were encountered.

On the 9th of April, 1884, the Cincinnati, Washington and Baltimore Railroad Company conveyed to the Marietta Mineral Railway Company the "old line" road, extending from Moore's Junction to the point of divergence of the Baltimore Short Line in Athens county, and a perpetual right to the use of the road from Moore's Junction to Marietta. A graded line from Big run up Federal creek valley to the Joy farm was also acquired. Work was commenced at once, and in less than a year trains ran

regularly to Big run, twenty-five miles west of Marietta. Mr. Cutler gave his personal attention to every detail of the reconstruction of the old line. He walked over it again and again, inspecting every rail and every structure. He held meetings in every school district along it, to solicit subscriptions and to urge the people to engage in business enterprises that would furnish a traffic for the road when built. In connection with W. R. Utley of New York, Colonel R. E. Phillips and T. D. Dale, of Marietta, who were also his associates in building the railroad, he organized the Federal Valley Coal Company, which has the most extensive plant for the manufacture of coke in Ohio. Writing of this, in his note book, in 1887, he said: "The dream of a lifetime may yet be realized: to open that coal field was one of the strongest motives to undertake the old Marietta and Cincinnati Railroad." Mr. Cutler was president of the Mineral road until 1887, when it was purchased by parties who have built it through to a connection with the Toledo and Ohio Central road. No achievement of his life gave him more genuine satisfaction than the construction of this line. This was the last considerable public work in which he was engaged.

In 1845, Marietta college conferred upon him the honorary degree of Master of Arts. In 1848, he delivered the annual address before its literary societies. In 1849, he was elected a member of the board of trustees, and held the position until his death. He contributed to the support of the college according to his means, and his advice and counsel were often sought and always heeded. The relations between himself and Dr. I. W. Andrews were always intimate, and never more so than in the last years of their lives. He received, also, the honorary degree of Master of Arts from the Ohio University, at Athens, in 1845, and was a member of its board of trustees from 1849 to 1853.

During the last ten years of his life, he gave much attention to the history of the early settlement of Ohio. No one did more to secure for the pioneers the honorable recognition which this generation has accorded them, and no

one was better fitted for the work. He was himself a born pioneer. Nothing so pleased him as unbroken acres and native forests. The nursery tales of his infancy were of the perils and privations of the early settlers. The most vivid recollections of his childhood were of the old soldiers of the Revolution who so often visited his home. For their characters he had something of the same reverence which he felt for the memory of his parents. The recovery of the papers of his grandfather, Rev. Manasseh Cutler, LL.D., in 1883, was the source of the highest satisfaction to him, and he enjoyed, to the utmost, the labor of preparing, in connection with his sister, Miss Julia P. Cutler, the "Life, Journals, and Correspondence of Manasseh Cutler," which was published in 1888.

He became, in 1885, a corporate member of the Ohio Historical and Archæological Society, and was one of its trustees during the remainder of his life. It is not too much to say that to himself and Dr. I. W. Andrews the great success of the centennial celebration of the settlement of Ohio, at Marietta, on the 7th of April, 1888, was due.

He was a ready writer. His reports, circulars, addresses, and newspaper articles in behalf of the Marietta and Cincinnati Railroad, and other corporations with which he was connected, would fill many volumes. No one can read them without being impressed by the ability displayed in their preparation. A partial list of his published papers and addresses is given in the appendix. The three short speeches there printed are fair samples of his style.

Mr. Cutler was married, in 1849, to Elizabeth W. Voris, of Warren township, who, with one daughter, survives him. Five children, three sons and two daughters, born to them, died in early childhood. Fond hopes are buried with them. Their loss was a crushing blow to their parents, and from it they never recovered.

The strong points in Mr. Cutler's character were thoroughness and sincerity. "*Non tetigit non ornavit.*" He

touched nothing he did not adorn, for he could not be content with a superficial knowledge of any thing. Thoroughly sincere in his own convictions, he found little difficulty in persuading others. He could not dissimulate, nor was it easy to convince him that others were not as sincere as himself. When a question was fairly presented to him, he had remarkable power in detecting its salient points, and his judgment was usually correct. He excelled in clear statement. No one could mistake his meaning. To grant his premises was to admit his conclusions. Few men possessed more general information. When he found time to acquire it, he could not himself explain. Though for forty years occupying positions of responsibility in enterprises involving great risks, he was always ready to devote a leisure moment to the discussion of current events or of political, religious, or historical subjects. The most companionable and approachable of men, he was sometimes thought to be austere, for there were hours when his heart was far away with the graves of his children.

He made profession of religion at the age of eighteen, and lived a Christian life. He never sought to thrust his opinions upon others, preferring to teach by example. But he was ready with the precept at all proper times and on all proper occasions. He started and superintended several Sunday-schools near his home, among them, one in Barlow township, for colored children, which produced noticeably good results. For years, when the Presbyterian Church, in Warren township, was without a settled pastor, he led the service and read the sermon, and for many years conducted the Sabbath-school. When he had abundant means, he gave abundantly to the cause of religion and education—they were inseparable in his mind—and of his scantier resources he never withheld a portion. His pastor, the Rev. Dr. Addy, at the funeral service, spoke from the text, "Strong in the Lord," and said near the close: "It would be hard to tell the number of feeble churches almost created by his benevolence, and afterward encouraged by any aid he could give. Ministers have spoken to me in years past of

his kind sympathy with them in their work, and he had a mother's heart for any honest, earnest toiler amid discouragement. Free and easy as he was in conversation, he had to be drawn out before one could quite know him, and you had to go elsewhere to learn the good he tried to do. With this was joined a humble, personal trust in Jesus as the Savior of sinners. With our friend a general confidence in God and his government was not enough for the soul's redemption. No part of his faith and experience was more clear than his belief and conviction of his own need of Christ. From his own heart he could say:

"Nothing in my hand I bring;
Simply to thy cross I cling."

An appreciative estimate of his character is given in the following extract of the report of a committee, of which Beman Gates, Esq., was chairman, entered upon the minutes of the Board of Trustees of Marietta College at its meeting, June 25, 1889:

"Southern Ohio owes more to William P. Cutler than to any other man for his forecast, his energy, and his personal efforts and sacrifices to secure the development of the vast resources of this part of the state, and facilities for the transportation of its products. During nearly all the forty years of his membership in this board, Mr. Cutler was engrossed in the duties of official and public life, or pressed with cares and responsibilities pertaining to the supervision of great business enterprises. But these pressing demands upon his time and his thoughts seldom prevented his attendance upon the regular meetings of the board. His associates during many years of his service here testify that he also was nearly always present at special meetings, and that he always came with words of cheer and encouragement.

"He had broad views of the policy that should govern the board of trustees in their business affairs, and he in-

sisted upon a rigid adherence to the high standard of education early and always approved by the board.

“He was wise in counsel, hopeful in times of trouble, forcible in argument, generous in thought and action, and abundant in charity and good will for his associates and for all mankind.”

APPENDIX.

TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

CINCINNATI, 30th *December*, 1797.

C I R C U L A R . *

SIR:

BY the inclosed copy of the minutes of the proceedings of a general meeting of the citizens of Hamilton county, you will perceive that the citizens are desirous to obtain information with respect to the number of free inhabitants in those five counties which compose the Eastern District of this Territory; and that they have committed to us the task of corresponding with the neighboring counties.

YOU will observe, sir, that in the fifth Article of the Compact, joined to the Ordinance for the Government of the Territory: "That, when any one of the States shall have sixty thousand free inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatsoever, and shall be at liberty to form a permanent Constitution and State Government; Provided, the Constitution and Government so to be formed shall be Republican, and in conformity to the principles contained in these Articles, and so far as it shall be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

* This circular was found among the papers of Ephraim Cutler too late to insert in its proper place. It is believed to record the first organized effort in the Northwestern Territory for the formation of a State.

WE conceive, sir, if we have thirty thousand free inhabitants in this eastern District of the Territory (and of this we have no doubt), that on application to the honorable the Congress of the United States, we shall immediately obtain permission to form a permanent Constitution and State Government for ourselves.

WE further conceive that the right of having a Representative in Congress for every thirty thousand souls, is guaranteed to us by the Federal Constitution, which was made since the Ordinance, and while most of us were citizens of the States in union, and to the forming of which Constitution we gave our assistance, surely then it can not possibly be conjectured that we have forfeited that right by becoming adventurers to this Territory.

WE are solicitous, Sir, to discharge so important a trust with diligence and assiduity, and relying upon the assistance of every virtuous and candid citizen who wishes to participate in those inestimable blessings and advantages which flow from a Government chosen by the people, we believe it practicable to accomplish the object of our appointment without deviating from the true principles of republicanism, or meriting reproach from any individual.

WE shall be happy, sir, to receive as early information from you as possible, after you will effect a general meeting of the citizens of your county, or sooner, if you think proper. You will please to address your letters to William Goforth, Esquire, Columbia. We are, sir, your most obedient humble servants,

WILLIAM GOFORTH,
ROBT. BENHAM,
ROBT. MCCLURE,
WILLIAM McMILLAN,
AARON CADWELL,
DAVID ZEIGLER,
THOMAS GOUDY.

P. S. The proceedings of the Committee, having been laid before the citizens on Wednesday, the 6th of December, agreeable to the resolutions of the citizens on the 16th of November, met with their general approbation.

SPEECH IN THE PRESBYTERIAN GENERAL
ASSEMBLY.

MAY, 1857.

Hon. W. P. Cutler, of Warren, Ohio, offered the following as a substitute for the report of the committee:

“The General Assembly, in view of memorials presented, and under a deep sense of accountability to God and to the Church, feel called upon to take the following action:

“We do hereby explicitly condemn the doctrine that slavery is sanctioned by the Scriptures of the Old and New Testaments, as a fundamental error, with which we have no sympathy or fellowship.

“And whereas, the Presbytery of Lexington South has forwarded to this Assembly a memorial containing the following words:

“‘There are ministers of this Presbytery who are slave-holders—holding slaves under the belief that, according to the Bible, it is right—and also nearly all of the ruling elders of the churches under the care of this Presbytery are slave-holders, believing it to be, according to the Old and New Scriptures, right, while a large majority of the members who are property-holders are slave-holders, believing that it is right.’ While offering no qualifying explanations of their language, the Presbytery have assumed the responsibility of sustaining such ministers and elders in their position, this Assembly is constrained in the exercise of its power of warning and bearing testimony against error in doctrine or immorality in practice against any Church, Presbytery, or Synod, to disapprove and condemn the position which is thus assumed by the Presbytery of Lexington South, as one which is not only unscriptural, but utterly opposed to the convictions of our Church, and calculated to mar its peace and seriously hin-

der its prosperity, as well as bring reproach upon our holy religion.

"This Assembly do hereby call on the Presbytery of Lexington South to review and rectify their position; and in case the Presbytery shall neglect to comply with this request, the Synod of Mississippi is directed to take cognizance of the case at their earliest convenience."

Mr. Cutler supported this resolution in the following speech:

As the discussion at this point of its progress seems to turn upon the *relation* of master and slave, I offer a few thoughts upon that point, although any thing like a thorough examination of the subject can not be expected under the present fifteen minute restriction.

The relation of master and slave, in the Southern States, is not the creature of constitutional law, for no one of their Constitutions undertakes to create or establish that relation. The founders of those States knew too well what were the elements of future greatness to give notice to the world that their soil was tilled by men in chains. Neither is it the creature of common law, for Lord Mansfield decided, in 1772, in the Somerset case, that slavery could not exist under the common law. So that slavery has no constitutional bulwarks behind which to fight its battles, and no common law defenses under which to take refuge. Neither is it the creature of statute law, except as it is recognized, cherished, and protected *as an existing fact*.

Whence, then, originates the *relation*? If I go to a slave-holder and ask why is this man, Tom, your slave? How do you prove to me beyond doubt that Tom is not a free man? The reply is: Tom is a slave *because his mother was a slave*. Here, then, we have a great fundamental principle underlying the whole system, the practical application of which *creates the relation of master and slave*. My object is to call your attention to this principle and ask: Is it right? If a woman were to fall on your pavement and break her arm, would it be right that community and the courts should thereafter decree that her posterity should be forever maimed in like manner? Whence comes

this dogma, which, in its quiet, silent, and almost unnoticed application, has fixed the chains of slavery on millions of the human race? The Supreme Court, in their recent decisions, throw no light upon this point. They coolly assume that *because* the ancestors of Dred Scott were slaves, he is a slave. But if the inquiry were started: Is it right to hold a man a slave *because* his ancestors were slaves? that decision must fall to the ground. The advocates of slavery do not quote Scripture in support of this horrid doctrine, but resort to the classics. They tell us that it was law in the Roman Empire. "*Partus sequitur ventrem*" was the manacle for infant limbs in the palmy days of heathenism, and therefore Christianity must forge and fetter in like manner. They go back to a nation that has had its day of trial on the earth—a nation that God has tried, judged, condemned, and executed, more on account of this crime than any other, and which lies now buried under the rubbish of centuries, for a principle abhorrent alike to reason and religion. This fossil *lie* is raked up from the fire and brimstone of Roman perdition, and is now offered as a substitute for the second table of God's holy law.

It can not be claimed that the slaves in the South were *bought* of the "heathen round about." Neither are they subjects of conquest. In the enslavement of men by conquest, there is at least the appearance of fairness; for the captive has had a chance to strike his blow. But this is a *conquest of infants*—taken in detail. One by one, as God in his wise providence sees fit to stamp his image upon the child of a slave mother, instead of training up that innocent for the Lord, you smite off the likeness and send forth the child into the field as a brute. Is this right? Remember, this is the origin and creation of the *relationship of master and slave*—it is the beginning, the foundation of the whole system. Reverse this horrid heathen maxim, and the sun now shining in the heavens would not set upon a slave on American soil. Would to God it were reversed!

I have no time to elaborate this point. I ask you to

think of it, as it has hitherto escaped attention—think of it in view of the holy and tender ties and recollections that cluster around the name, mother—that she, in obedience to the law of this Moloch, should be made, by necessity, the author of ruin and infamy to her child. Think of it as the helplessness of infancy pleads for protection, while you fasten upon it a *curse*. Think of it as you see that image of God, which he designed not only as a badge of dominion and superiority over inferior works, but also as *a badge and proof of equality*—degraded and chattelized. Gentlemen may split hairs over the relation as a *sin per se*, or *malum in se*, but my soul turns away in utter abhorrence from the whole thing, and I can see nothing in the relation itself but the shady side of heathenism. The ugliest features of this giant crime, slavery, have been hitherto concealed. Attention has been directed to results, to abuses, to the system ignoring *the relation and the nature of the relation*. Thus it has gone forward from infancy to manhood, from an intruder to a boasting landlord, from a begging mendicant to a commander of armies and controller of cabinets. It has been a quiet, silent, cunning, ‘squatting’ devil, who has secured a night’s lodging in our Paradise, and now, in broad daylight, turns round and pre-empt the whole country by reason of a night’s hospitality.

But I am asked whether there may not be cases where the relation of master and slave may exist without sin? I answer that, whenever a slave-holder has made up his mind that, upon moral grounds, the thing is wrong, and that he will emancipate his slave, and although we may differ in judgment as to the time, I insisting that it shall be done at once, and he pleading obstacles and difficulties as calling for delay, yet, if I am satisfied that he honestly intends to emancipate his slave, restoring to him that which has been wrongfully withheld (I mean God’s gift of personal liberty), he shall have my confidence as an honest man and a Christian; but if I go to him a year afterward and find him waiting for something to ‘turn up,’ holding on for God’s providence to open the way for emancipation, while he is coolly pocketing the avails of his slave’s

labor, I say to him he can not have my confidence and need not expect it. I know there are difficulties in the way of emancipation. I do not wish to ignore them; and I regard the Christian who honestly and fearlessly meets those difficulties and is willing to secure his slave from the contingency of ultimate slavery, arising from his own pecuniary liabilities or from death, as worthy of my confidence and sympathy, although he may deem it necessary to retain the legal relation as a means of best carrying out a benevolent purpose. If he has made up his mind to emancipate, and holds the legal relation only as a trustee, he is not a slave-holder in the sense which I regard as sinful. But is an emancipator of a slave, the ransomer of a fellow-being, *the redeemer of a man*? To such a man I could almost render the homage which John was disposed to give the angel. And while I would not expect him to be as *good looking* as the angel, I would insist that he is as honest. Emancipation is not impracticable, certainly not so far as slave-holders in our denomination are concerned. Every slave held by members of our Church can be emancipated. Cases are of frequent occurrence where masters restore to slaves their freedom from the religious conviction that slavery is *wrong*, although I suppose our venerable friend from Tennessee (Dr. Ross) must have emancipated his \$40,000 worth because he thought the system *right*. I can say to him that that noble deed will be remembered long after his letters are forgotten.

One word in regard to our action on this subject. Our people understand this matter. They *know* that slavery is wrong, and do not need days of discussion to convince them of that fact; neither do they need new declarations of sentiment, or new standards of duty. They feel degraded and humiliated that standards already raised are violated with impunity—that a Southern Presbytery bids you defiance, and glories in the indignity cast upon your authority. The judgment and conscience of the people, and Christians generally, require that your power in the *direction of discipline* should be exerted to the fullest constitutional limit as the only means of wiping off the stain

and vindicating God's truth. There are times when discipline must be enforced, or the *truth betrayed*. In my judgment, that time has come in this controversy. The simple object in the paper which I have offered is to secure the exercise of this *discipline*, in the way pointed out by the last General Assembly as right and constitutional, in the way which that Presbytery admits to be right, for they ask you to exercise it if you regard them guilty of an offense. You may *request* the Presbytery to review and correct their position; but that is not an exercise of *power*. Your power is only exerted when you *direct the Synod* to take cognizance of the matter. I have not taken this ground from any feeling of malice to Southern members of our Churches, and while I can not expect to receive the affections or kind feelings even of their representatives in this Assembly, I intend to *deserve* their confidence and respect. I make the issue clearly and distinctly, and say to them: You must either abandon your error, or be rebuked by the exercise of *discipline* to the full extent of constitutional power.

SPEECH BEFORE THE MILITARY MEETING OF WASHINGTON COUNTY,

IN THE COURT HOUSE, MARIETTA, ON SATURDAY, JULY 19, 1862.

[Congress adjourned on Thursday afternoon, July 17th. Mr. Cutler had just arrived from Washington, and was immediately called upon to address the Military Meeting of Washington county, Saturday afternoon.]

I must express the pleasure it gives me to have so early, though unexpected, an interview with you, on my return from the performance of my duties assigned by the choice and suffrage of the people of this congressional district.

It gives me pleasure to meet you as an agent meets his principal—as an employee his employer—knowing that you will deal with me in candor, generosity and fairness. The

time has arrived when you must look public affairs squarely in the face—when you can not afford to make mistakes—when your own dearest interests require a calm, cool, dispassionate examination of the acts of your agents, and a thorough business-like determination of what is best to be done.

I find a prevalent feeling of anxiety, disappointment and discouragement, arising mainly, perhaps, from recent untoward events. You have the right, and it is your duty, to inquire rigidly and searchingly into causes as well as results. To determine intelligently the line of present duty, it is necessary to look over the whole ground—past and present—and see just where we stand. In doing this I shall not attempt argument or press theories, or urge my own views—but deal chiefly in the acknowledged *facts* which have been developed in this mighty struggle.

It is useless to disregard or ignore the great *fact* of our political history; that previous to the outbreak of this rebellion—an interest—an “institution” of vast proportions had acquired an almost complete ascendancy in the politics of the country.

It had commanded the deference, if not the absolute obeisance, of all classes of public men. A powerful and controlling political organization had virtually pledged it support, protection, and extension. Those who would not support, or extend the institution, were willing to let it alone.

Thus had slavery, in direct contradiction to the fundamental purposes, intentions, and provisions of the constitution, become a controlling power in the land. With all its fatal antagonisms to public liberty, and private rights—it had assumed the management of public affairs. The rebellion itself was the outgrowth and result of its inherent tendencies to despotism. It denied flatly and plainly the right of the people to assemble peaceably, and determine by ballot, who should be the president of the republic.

Its first collision with the constituted authorities was a denial of the right of the government to “coerce a seceding state.” It was at this point that the true power and

inherent virtue and energy of the people was felt. With instinctive wisdom, they followed the unerring impulses of self-preservation—rose in the majesty of their power—bade their false political betrayers stand back—said in thunder-tones; *we are the sovereigns*—this is our fight—*our government has a right to live.*

In this first battle under the thin ambush of no coercion, and no invasion, slavery was *defeated* but not *destroyed*.

In the progress of the struggle—the people having sent to the battle-field the flower and manhood of the nation—it was found necessary to exact contributions and impose burdens and restrictions upon every interest, individual, and institution in the land. The writ of habeas corpus and the freedom of the press were struck down. A thousand million dollar's worth of railroad and telegraph property were placed at the disposal of the executive, and the managers ordered under the articles of war.

Loyal men said, "Take it all—we yield every thing with our lives, to sustain the authority of the government." But this mighty interest of slavery stood boldly up and said: "You may take every thing that is dear to the people; you may take husbands and fathers, brothers and sons; you may strip the roof from the dwelling, and make the pleasant hearthstone desolate—bury your picked men under the drudgeries and dangers of the service; you may fill hospitals with victims of miasma, and your armies may wilt under a scorching southern sun—but you shall not lay a finger upon *me* or *mine*. *I have constitutional rights—they must be respected.*" In a word, you may take habeas corpus and freedom of the press, you may take without stint or limit the blood and treasure of the nation, but I will go "scot free"—you shall not point your finger at me. I will yield nothing of my prerogative to rule.

This, in plain English, is the "Border State policy," which has been so justly condemned by my friend Col. West.

Now it is not to be wondered at that an interest which had acquired such ascendancy in political councils should press its claims boldly and for a time with success.

But as the exigencies of the crisis pressed heavily upon

the loyal and true defenders of the nation's life, the claims of this saucy idol to absolute obeisance began to be questioned, and Congress said "we will see if you can not be touched—we will try titles with you, we will see whether you are to stand in the way of a mighty nation struggling for existence with a foe to whom you have imparted strength and given its greatest capacity for endurance." For let me say that that this rebellion would not have sustained itself six months without the support given to it by slave labor.

At first slavery was touched lightly—abolished in the district—in the territories—freedom was given to all slaves actually employed by the rebels. All these measures were met by frowns, threats, and evil forebodings from the friends and guardians of the institution—but really no body was hurt—the constitution survived the shock, and the sun rose and set as usual.

In conducting the war, a policy of forbearance toward the persons and the property of rebels had been adopted, with perhaps the expectation that it might soften animosity and lead to a better mind. There was really no disposition to interfere with slavery in the states at this stage of the struggle, because it was supposed that the authority of the government could be established without it. But it soon became evident that forbearance and protection were demanded as a right, and kindness was met by insult from recipients who continued in unabated hostility. The question arose: Why should not the rebels and the population of the rebellious territory bear their share of the burdens of war? This inquiry resulted in the confiscation of rebel property, and the liberation of their slaves.

Upon these questions the great battle with the giant Rebel was fought, and *slavery made to bite the dust*.

Now let us see how this matter stands. We began with slavery in almost undisputed ascendancy. There have now entered into the permanent legislation of the country the following acts:

1. A law preventing officers of the army from returning slaves coming within their lines.

2. Freedom given to all slaves who have been employed by the rebels on fortifications, and in any military work.

3. Abolition of slavery in the District of Columbia.

4. Prohibition of slavery in all territories now held or hereafter acquired.

5. Liberation of the slaves of rebels and the confiscation of their property.

6. Authority to the President to call into the service, in any suitable way, persons of African descent.

7. A direct tax law under which real estate, in the rebel states, will forfeited and sold for non-payment of taxes.

To which may be added.

8. An effective treaty with Great Britain for the suppression of the African Slave Trade.

9. Recognition of Hayti and Liberia.

I have thus presented a rapid historical survey of the ground work of the great struggle. From this brief summary you see at a glance that the whole policy of the government on the subject of slavery has been changed.

These acts are the work of Congress and the President. They are the laws of the land. They are the considered and carefully matured policy of the administration in its efforts to put down the rebellion. The wisdom of these acts was demonstrated by the necessities of the occasion. The fact is, this rebellion is the best school-master ever sent abroad in the land—and he must be a dunce and a blockhead who can not learn something from his teachings. Your public men may not be more patriotic, but they are wiser now than at the beginning of the struggle.

It will not do to call these acts abolitionism. They received, respectively, the approval of a majority of the Senate and House of Representatives, and the approval of the President. If they are abolitionism, then a majority of Congress, and the President himself are abolitionists. *They are law.* And the administration now comes to you—the people—and asks you, “Shall we be sustained in prosecuting this war upon the only grounds; and in the only manner, which we in the exercise of our best judgment, deem to be practicable or promising success?”

You have asked for a change of policy—you have complained for the want of a policy—now it is presented to you—*clear—well defined—thorough*—will you sustain the President in carrying it out? President Lincoln is a true and patriotic man. He will carry out a policy which his judgment approves.

He does approve these acts, for they all bear his signature or they could not be law. It can not be supposed that rebel property will be the special object of military protection for the owners, when the law of the land declares it confiscated. Add up the different liberation acts, and it will be found that slavery has received its death-blow; and only awaits the burial of its dishonored corpse out of the nation's sight. The President has a way of changing his generals. I do not say that he will change, but I do feel strong confidence that this policy, now fully adopted by him, will be carried out earnestly, and in good faith.

A word in regard to the propriety and reasonableness of the more important of these acts. War is a question of brains, and muscle and money. Every nation has a right to all its resources, to be used for its own self-preservation. The people born upon its soil are a part of its resources. The negroes are a part of the inhabitants of the land. They have muscle if nothing else. Muscle is what you want. Their muscle has a peculiar adaptation to war service in the more tropical portions of our extended country. Why should not the nation avail itself of this resource; and save your own neighbors and relatives, who otherwise must perform the service and must necessarily fall victims to the exposures, and drudgeries of a hostile climate? No civilized nation on earth would hesitate a moment to make use of such a resource. England governs a hundred millions in India with a soldiery more degraded than southern slaves, and not much better looking. You will never conquer and hold in proper submission to the laws, the Gulf states, unless you enlist all their loyal people on your side. You may find there a graveyard for your armies, but no home and abiding place for the constitution and the laws, until you have a *native, acclimated, loyal people*, out of whom

to form a military force of sufficient strength to hold, as well as to conquer. It is true that a proper submission and obedience on the part of the rebels would prevent any such necessity—but it will not do to depend upon the good nature, or repentance of such reprobates. Too much time has already been expended in throwing tufts of grass at these rude plunderers—resort must be had to harder ammunition, and every resource that the country affords must be put into requisition to bring them down.

The President has said, “It is startling to say that Congress has power to liberate slaves within a state.” True, it is startling. But it is the startling voice of a resurrection trumpet bidding a slumbering nation to awake to righteousness—calling them from the dead works of despotism to a new life. With this new policy thus clearly and well defined, you stand to-day where your fathers stood when they threw to the breeze the banner of Independence and Liberty—when they traced with sword points upon the firmament of heaven, so that all nations might read, these memorable words—“All men are created equal and are endowed by their creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness” —when they incorporated into the constitution the guarantee that “no man should be deprived of liberty without due process of law.” Your fathers acted well their part. To-day you are cast down by disaster and apparent defeat. The great characteristic of their struggle was not the brilliancy nor frequency of their victories, but their ability to endure defeat—their courage and resolution in grappling with the disasters and discouragements of a seven years’ war. To you they were the trustees of a glorious legacy. They have fulfilled their trust, you are now called upon to act as trustees, in handing the same inestimable treasure down to the latest posterity. No generation for the past six centuries, struggling for popular rights, has been so highly honored as you are, by the importance of the trust committed to your charge. You are called upon to furnish more men. This is a demand for your blood—not to be spent in the unhallowed service of ambition—but to pre-

serve your own property from ruin—to rescue constitutional liberty from a vile and dishonored grave—to secure a permanent and enduring peace to your country.

Remember that you are not merely theoretically the sovereigns of this country—these pleasant homes and fire-sides are your own—these house lots and farms are yours. You *own this country*, and therefore have a right to rule it. The preservation of the nation's life in this hour of peril is your business—no one else will attend to it for you. Be not discouraged by desperate dashes the enemy are said to be making on territory supposed to have been conquered. Let them advance. It may be the surest and quickest way to surround and capture them.

Your President calls for 300,000 more men. The quota for this county is 300. Let it be filled up promptly, for this work to be well done, must be done quickly.

You have a well defined, thorough policy embodied in the permanent legislation of the country—with as honest and patriotic an executive as ever breathed, to carry it out.

Your agents, who have spent months of anxious labor—who have watched with sleepless vigilance the great issues of the nation's life, now come and throw upon you the responsibility of this mighty enterprise.

REMARKS OF HON. W. P. CUTLER

AT THE TWENTY-FIFTH ANNUAL MEETING OF THE SOCIETY FOR
THE PROMOTION OF COLLEGIATE AND THEOLOGICAL EDUCATION
IN THE WEST, HELD IN THE CONGREGATIONAL
CHURCH, MARIETTA, OHIO, NOVEMBER 9, 1868.

Mr. President:—If that old Yankee enterprise, sir, known in its day as the "Ohio Company," could be properly represented here to-night, its delegate would be entitled to a seat as a corresponding member because, although it can not be claimed that such was its main intent and purpose, yet it is true that the Ohio Company did

establish the first college north-west of the Ohio river. A brief recurrence to the facts connected with that early enterprise may not be uninteresting.

The close of the Revolutionary War found a people victorious, but a government *bankrupt*. The men who had borne the heat and burden of that day found no paymasters on their return to be mustered out, with well-replenished stocks of legal-tenders, to meet their just demands for services rendered. The best that could be done was to accept army warrants, or certificates of indebtedness, for the payment of which not a dollar was provided. But they were not disposed to clamor around the portals of a newly formed government, embarrassed with the poverty and exhaustion of war. Their own private fortunes had been greatly impaired, or entirely sacrificed. They needed support for their families; money was out of the question; therefore, they said to the government: "Give us lands for a home, and accept our army warrants for at least a portion of the payment." To carry out this plan, the "Ohio Company" was formed in March, 1786, composed mainly of officers and soldiers of the Revolutionary army residing in the New England States.

Nathan Dane, of Massachusetts, was the immediate representative in Congress for a large proportion of the gentlemen engaged in the enterprise.

The Ohio Company itself, after its organization, selected suitable agents to represent their interests and wishes before Congress, then in session in New York, with authority to negotiate for the purchase of a tract of Western land. The principal agent thus employed by the company was Rev. Manasseh Cutler, LL.D., an intimate personal friend and neighbor of Mr. Dane. In negotiating the terms of the land purchase, the agent of the company insisted upon the grant by Congress of two townships of land, for the purpose of founding a college, and also that section 29 in each township should be set apart for the support of religion. Congress had previously set apart section 16 for school purposes.

It is to the direct agency of the Ohio Company, sup-

ported by Mr. Dane, a member of the Committee on the Western Territory, that the North-west is indebted for its first college, the Ohio University, and, indeed, for the Miami University also, as Judge Symmes made application for his purchase in precisely the same terms as had been arranged with the Ohio Company, except that he accepted one township for a college instead of two. But it is not alone in this important matter of providing for the higher institutions of learning that we are indebted to the wisdom, foresight, and correct principles of New England men, in connection with the early settlement of the North-west.

It is also true, that these men, acting under the peculiar circumstances of an effort to secure homes for themselves and their children, as well as to repair fortunes sacrificed in their country's service, looked well to the foundations of civil government, to provide for *law* as well as to purchase *land*.

Their voice was positive and influential in forming that grand old organic law known as the Ordinance of 1787. And here I am compelled to correct a prevalent error, which I do without regret, as I always like to knock a popular lie on the head.

The general impression seems to be that Thomas Jefferson was the author of the ordinance of 1787. This is entirely incorrect, as Mr. Jefferson was not a member of Congress at the time of its passage, and was not then in the country.

In making this statement, I do not wish to undervalue or disparage Mr. Jefferson's services to his country; I only mean to say that he had nothing whatever to do with the enactment of the Ordinance of 1787.

It may be proper to explain the probable source of this popular misapprehension. On the 23d of April, 1784, Congress passed an ordinance for the "temporary government of the Western Territory," which had been reported by a committee, of which Mr. Jefferson was a member. This ordinance, when reported by the committee, contained a provision excluding slavery "after the year 1800."

This particular provision was, however, struck out of the report before it was adopted by Congress. It may be entirely proper to call this report of the committee as adopted by Congress a "Jeffersonian Ordinance," although as adopted it contained nothing whatever in regard to slavery. Even the provision as reported to Congress by the committee, was of no practical value, for if slavery had acquired a foothold in the Western Territory of sixteen years, from 1784 to 1800, it never would have been driven out, except by the sword. This was the defect in the merely philosophical view which Jefferson took of that subject—theoretically opposed to it, but with no practical plan for its overthrow. When the sturdy Puritan came to deal with the same subject in the Ordinance of 1787, the door was shut in the intruder's face, and he was bidden *never to cross the threshold*. To confirm the statement I have made, that New England men composing the Ohio Company were influential in procuring the passage of the Ordinance of 1787, and in giving positive tone to its enactments, two considerations are, I think, sufficient:

First. The intimate relations existing between Mr. Dane, an active member of the committee reporting the ordinance, and the agent employed by the Ohio Company to negotiate the purchase of land, as well as the fact that the largest number of share-holders in that company were Mr. Dane's constituents, thus necessarily enlisting a common and strong sympathy for an object of great personal interest to themselves, as well as of importance to the country.

Second. The following entries, made in a private journal kept at the time by Dr. Cutler, prove that the work upon the ordinance was a joint labor on the part of the committee having it in charge, and those who, in looking westward for their future homesteads, were more than any others interested in its provisions. Under date of July 10, 1787 (after having previously referred to several conferences with the committee), he makes the following statement: "As Congress was now engaged in settling the form of Government for the Federal Territory, for

which a Bill had been prepared, and a copy sent to me, with leave to make remarks and propose amendments, and which I had taken the liberty to remark upon and propose several amendments, I thought this the most favorable opportunity to go on to Philadelphia. Accordingly, after I had returned the bill with my observations, I set out at seven o'clock."

After returning to New York, from his visit to Philadelphia (where the convention forming the constitution of the United States was then in session), the ordinance having been passed during his absence, he makes the following entry in his journal: "Was furnished with the Ordinance establishing a Government in the Federal Territory. It is, in a degree, new-modeled. The Amendments I proposed have all been made, except one, and that is better qualified, etc."

Not to pursue this subject further, I think the evidence is conclusive that New England men did have a positive influence in shaping the provisions of the Ordinance of 1787, and that Thomas Jefferson did not. I believe the impression that it was indebted to the latter source for its anti-slavery provision has arisen in part from an effort of party leaders on my own side politically, to convince the Democratic party that they ought to adopt anti-slavery views on the ground that their great founder and leader held such sentiments. But I consider all this as "love's labor lost," and it can do no harm to knock from under the main support of such an appeal.

I think, Mr. President, that the time has come when we ought to look carefully into this thing of laying foundations.

The lessons of history belong to us and our children.

The influence of early theories and organic ideas fixed in the structures of states and communities, will remain through future life, giving direction for weal or woe to future growth, and deciding, ultimately, their *destinies*.

The homely adage, "just as the twig is bent, the tree's inclined," is just as true of communities as of individuals. If it be true that every idle word shall be called into judg-

ment, so is it also true that *false words* and *false principles* woven into national structures and cherished, as they will be, in national growth, will bring retribution and ruin.

Allow me to present some illustrations and contrasts. In 1671, Sir William Berkely, then governor of Virginia, was inquired of by the Lords Commissioners as to religion and other instruction in that colony. He replied: "I thank God there are no free schools nor printing; and I hope we shall not have these hundred years, for learning has brought disobedience, heresy, and sects into the world, and printing has divulged them, and libels against the best governments. God keep us from both."

The author of this pious wish has surely received double measure in fulfillment, for nearly *two* hundred years have rolled by, and Virginia has never had a free school or a free press.

In an early constitution of South Carolina, prepared by the great philosopher, John Locke, it was provided: "Since multiplicity of comments, as well as of laws, have great inconveniences and serve only to obscure and perplex, all manner of comments or expositions on any part of these fundamental constitutions, or any part of the common or statute law of Carolina, are absolutely prohibited." Again he says: "It shall be a base and vile thing to plead for money or reward."

Kentucky, in her infancy, adopted the resolutions of 1798. Those resolutions contained the seeds of secession and rebellion. That was the devil sewing tares in our wheat-field. At a later date she incorporated into her organic law the following provision (article 13, section 3): "That the right of property is before and higher than any constitutional sanction; that the right of the owner of a slave to such slave, and its increase, is the same and as inviolable as the right of the owner of any property whatever."

Mr. President, I regard that as the most atrocious sentiment ever wrapped up human language, and if the question were asked, "What ails Kentucky?" I should point to that organic provision and reply, "That's what's the

matter." When she swallowed that, and the resolutions of 1798, she had taken strychnine enough to kill a commonwealth. I know, sir, that we have been in the habit of forbearing any comments of this kind, because they relate to "sister states," but I am unwilling to spoil a useful lesson for relations' sake. In all these cases, *false words, false theories, false ideas*, have borne bitter fruits, and it is unwise and puerile for us not to heed the warning.

Now, sir, allow me to refer briefly to the character of that organic law, whose true history I have endeavored to state.

After providing a form of government, the object of the ordinance itself is declared to be, "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish these principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in said territory." Then follow six "articles of compact between the original states and the people and states in said territory, to remain forever unalterable unless by common consent."

These articles provide for :

1st. Freedom of religious worship.

2d. A "bill of rights"—that is, a clear definition and declaration of the rights of the individual, embracing the essential safeguards to person and property. In this respect it may be stated, that the ordinance anticipates the Constitution of the United States, that instrument having been ratified by the states without a "bill of rights," which was afterward incorporated as an amendment.

Article 3d, has the following provision: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

That, sir, is a "beautiful foundation stone," cut from the pure granite, by New England hands; a basis strong

enough and broad enough for the mightiest empire on earth.

It was copied into the Constitution of Ohio, and became, in after years, the principal lever in making up her present system of free schools.

Article 4th provides, *per contra* to the resolution of 1798, "That said territory, and the states that may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States, in Congress assembled, conformable thereto."

It also provides, "That the inhabitants and settlers of said territory, shall be subject to pay a part of the federal debts."

Article 5th, provides for a division of the territory into not less than three, nor more than five states, and for their admission, with republican forms of government, into the Union.

Article 6th, prohibits the introduction of slavery.

This brief synopsis of some of its leading provisions, shows with what care and prudent foresight the fathers "dug deep and laid broad the foundations of many generations." They intended to found a civil and political structure based upon the "eternal principles of order and of right;" a structure extending over all the territory then belonging to the United States.

Now, Mr. President, I don't pretend to know much about that hated and reviled "ism" called "Puritanism." My connection with it is remote; being only that of honest inheritance. But I suppose that, aside from personal religious experience (a matter not appropriate for public discussion or criticism), about all there is of political Puritanism is wrapped up in that ordinance of 1787. I think it is nearly all in there; and "that's what's the matter" with the North-west. She has Puritanism in her bones, and I thank God for it.

PARTIAL LIST

OF PUBLISHED ADDRESSES AND PAPERS OF WILLIAM P. CUTLER.

Address before the Literary Societies of Marietta College, July, 1848.

Speech at Presbyterian General Assembly, Cleveland, Ohio, May, 1857.

Speech in Congress, April 23, 1862.—Slavery a Public Enemy.

Speech before military meeting at Marietta, Ohio, July 19, 1862.

Address at Belpre, Ohio, July 4, 1865.—Duty of Citizens in the Work of Reconstruction.

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Report of the Citizens' Committee on the Old Line of the Marietta and Cincinnati Railroad, 1881.

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